

KENTUCKY GAZETTE

AND GENERAL ADVERTISER.

[VOL. XIX.—N^o 1012.]

BY DANIEL BRADFORD, LEXINGTON.

THURSDAY, JANUARY 30, 1806.

TERMS OF THE GAZETTE.

This paper is published weekly, at TWO DOLLARS per annum, paid in advance.

Those who write to the Editor, must pay the postage of their letters.

REMOVAL.

MACCOUN & TILFORD,
HAVE removed their Store to the new brick house opposite the market.

TAVERN, STORAGE & COMMISSION.

THE subscriber respectfully informs the public, that he has lately opened a house of ENTERTAINMENT in Maysville, (Limestone) at the sign of the SQUARE & COMPASS. The house is commodious, the stable extensive, and both are furnished with every thing necessary for the accommodation of travellers and others, who may think proper to favor him with a call. He is provided with a large and convenient WARE HOUSE, for the reception of goods, equal, if not superior to any in the place. He will also make SALES upon COMMISSION, for those who may have any thing to transact in that way, which will be done, together with the charges for storage, upon the most reduced terms. He flatters himself, that from the experience he has had in mercantile transactions, attention to business, and a desire to be useful, he merits a part of the public patronage.

SAML. JANUARY.

REMOVAL.

PORTER CLAY,
CABINET AND CHAIR MAKER,
HAS lately removed his Shop to his new brick house, which he has built for the purpose, on Bank Alley immediately back of the Bank, and fronting the house lately occupied by Mr. John Jones, and now by Mr. Pew—and where he has on hand a stock of stuff, equal to any in this State. FURNITURE of the newest and most elegant fashions, may be had on the shortest notice, executed in as neat a manner as any where in the United States. He flatters himself, that from the many sources of information which he has had in his line of business; the regular correspondence which he has kept with all the principal Cabinet Makers both in Philadelphia and New-York, that he will be able to give general satisfaction.

Lexington, Dec. 7, 1805.

MADNESS.
AN effectual remedy on the human body, for that dreadful malady the bite of mad animals—it being the remedy that Dr. STOR of Lebanon, of Pennsylvania, has effected so many cures with—A number of persons have been cured by Dr. STOR and myself, that had violent symptoms of the hydrophobia, from one to two days raging. The cure can be effected as long as the constituent part of the blood is not separated; which will happen sooner or later, according to the state of body, or the effect of the bite. I would advise every person to make application as soon as the person has received the infection. No trust can be expected for the above.

Michael Schaag.

Lexington, March 18th, 1805.
N. B. The various Printers in the Western States are requested to give the above a place a few times their respective papers.

DR. SCHAAG wishes to instruct a Pupil or two, to practice Medicine and Surgery.

All persons indebted to M. SCHAAG for medical services, are requested to settle and discharge their respective balances, as no longer indulgence can be given. It is to be hoped that no compulsive measures will be necessary.

MR. DELISLE,
(From Paris in France.)
RESPECTFULLY informs the public that he offers for sale,
AN ELECTRIC MACHINE,
with all the necessary apparatus for a complete course of Natural Philosophy, including the apparatus for medical experiments—price 150 dollars. He makes Electric Machines of all sizes, Pamatick Machines, and engines for cutting Clock and Watch wheels—Also Darts, Broad and Small Swords, Surgeons' Instruments &c. &c.
Mr. Delisle continues to electorise those affected with the Rheumatism, Apoplexy, Paralysis, and Epilepsy, and most other nervous complaints, at his lodgings, in the house adjoining the prison.

Lexington, Nov. 26, 1805.

Geo. M. Bibb,

WILL continue to exercise his profession of counsel and attorney at law, in those circuit courts in which he has heretofore practised, and in the court of appeals, and court of the United States, for the Kentucky district.

TWO APPRENTICES

TO the Tobaccoist's business, are wanted immediately, by
Godfrey Bender,
High Street, Lexington.

Who has for sale a quantity of Manufactured Chewing TOBACCO, and SEGARS;

Also—Rappee, French Rappee, & Scotch SNUFF, of superior quality.
MARCH 6, 1805.

SALT WORKS.

I WILL rent two Furnaces at the Goose-Creek Salt Works, in Madison County, with convenient houses, for the accommodation of workmen &c.—The water is good, the wood convenient, and the terms will be very reasonable.

John Patrick.
Madison, 1st Sept. 1805.

THE SUBSCRIBER
TAKES this method of informing the public, that he has now on hand,
A Handsome Assortment of
BOOTS & SHOES;

And intends keeping
A Constant Assortment of
The Best Imported LEATHER,
From Philadelphia; and will prosecute his business in a way so extensive, as shall enable him to sell on better terms than has been usual in this State.

Hugh Crawford,
Main Street, opposite A. Logan's and P. Bain's New Brick Houses.
N. B. HEMP, WHISKEY, and a variety of COUNTRY PRODUCE, will be taken in payment.

BLUE DYEING will be continued as usual.

JAMES HAWTHORN,
Tailor, & Ladies' Riding-Habit Maker,

BEGS leave to inform the Ladies and Gentlemen of Lexington, and its vicinity, that he has commenced business in the brick house opposite to Mr. Charles' Printing Office, Main Street, Lexington; where he purposes carrying on the above business, in all its various branches. Those who may please to favour him with their custom, may depend on having their work done in the most fashionable manner, and with neatness and dispatch. One or two smart Boys, between the age of 10 and 15, will be taken as apprentices to the above business.

Lexington, Nov. 12, 1805.

STRAYED
FROM Frankfort, on Friday the 29th November, 1805, a horse,
BAY HORSE,

nearly 15 hands high, about 8 years old, shod all round, branded on the off thigh or buttock with a horse shoe, or perhaps the letters JD, a lump on his belly about two inches behind the girth place, about the size of an egg; some saddle marks, moves well and at different gates.

tf JAMES DARDIS.

Five Dollars Reward.

STRAYED from my plantation, about four months since, a likely

Dark Bay Filley;

two years old last Spring, supposed to be with foal, neither docked nor branded. I will give the above reward to any person who will return her, or give such information as will enable me to get her.

W. Warfield.
Fayette county, Nov. 20, 1805.

MADISON CIRCUIT, &c.
Robert Johnson, Complainant,
AGAINST
Reuben Proctor's Heirs & als. Def'ts.
IN CHANCERY.

THIS day came the complainant aforesaid by his counsel, and on his motion, and it appearing to the satisfaction of the court, that the defendants Reuben Proctor's heirs, and John Coltfoot's heirs are not inhabitants of this State.—It is therefore ordered, that the said absent defendants do appear here on the first day of the next March term, to show cause, if any they can, why the complainant's bill shall not be taken as confessed, and that a copy of this order be inserted in the Kentucky Gazette two months, agreeable to an act of assembly of Kentucky.

A Copy. Teste,
Will. Irvine, C. J. C.

A valuable tract of LAND for sale for Cash.

CONSISTING of 600 acres in the State of Ohio, situated on the Miami River; the land is of the first quality, well timbered, a large bottom, on a small water course called Wolf creek, that makes through the whole of it; the land is directly opposite the town of Dayton; the most remote corner not more than a mile and a half from the town; it will be laid off in tracts of 200 acres to suit the purchasers. For terms apply to Doct. James Welsh, of the town of Dayton, or John Bradford of Lexington, who are legally authorized to dispose of the said land—the title is indisputable.

JOHN DOWNING;
RESPECTFULLY informs his friends and the public in general, that he continues to keep a house of ENTERTAINMENT,

in that commodious frame house, on Main Street, opposite the Court house, at the sign of

THE BUFFALO;

where he is prepared to accommodate Travellers, and others who may please to call on him, in the best manner. He is well provided with a variety of the best liquors his Bedding and other accommodations will be furnished equal to any in the Western Country. His Stable is well supplied with Hay, Oats, and Corn, and his Office particularly attentive, and careful. Those who are so obliging as to call on him, may rest assured that they shall receive the greatest attention, and every exertion will be made to make their situation agreeable. Private parties may be accommodated with a room undisturbed by the bustle of a tavern.

Lexington, April 29.

A GREAT BARGAIN.

THE subscriber intends leaving the State, and offers for sale the following property, with an indisputable title, and possession given immediately—

LAND, MILLS, &c.

That valuable and well known tract or parcel situated at the mouth of Tate's creek, 15 miles from Lexington, on the main road leading to Madison court house, containing 1000 acres, or thereabouts, 250 of which is excellent bottom land, the remainder hilly, but well timbered; 80 or 100 acres cleared, part of which is well set with red clover and timothy. On the upper part of this tract is erected a Merchant and Grist Mill, both over-shot and double geared, with a pair of French Burrs and a pair of Laurel Hill stones. The house is large and convenient, being 50 by 40, with four floors, rolling screen, houlting cloths, hopper boy, hoisting and packing works, by water and in good order; the dam is new built entirely of white oak, hewed and filled with stone, not inferior in any respect to the best in the State—the situation is perfectly secure, either from back water or freshes in the creek—distance from the river, 1 1/2 miles, and no hill interfering. On the lower part of this tract, and about a half mile from the river is situated the saw mill, in complete order, and capable of doing as much business as any in the State. A good framed dwelling, kitchen and store house, with a number of useful cabins, and a large and never failing spring convenient.

A DISTILLERY,
within 40 yards of the mill, with over-head waters, and two stills containing 250 gallons.

That celebrated full blooded Stud Horse

YOUNG BARONET.

Rising six years old, full 15 hands 3 inches high, was got by the imported Baronet, who was equal to any horse ever imported; old Baronet was bred by Sir John Webb, bart. got by Vertumnus, son of Eclipse, his dam called Penultima, by Snap, grand dam by Cade, great grand dam by Crab, great grand dam by Flying Childers, out of a confederate filly; she was got by Grey Grantham; her dam by the Duke of Rutland's Black Barb out of Bright's Roan. Young Baronet's dam was got by the imported Othello, grand dam by the imported Figure, great grand dam by the imported Wild Dair, her dam was imported with Wild Dair, by gov. Delancy—Wild Dair became so famous he was returned to England. Several brood mares with Baronet colts, and now with foal by the same horse.

CATTLE.

A small flock, among which are two valuable Yoke of Oxen; a large flock of Hogs, 40 or 50 of which are fit to kill this fall.

As I intend positively to leave this State the ensuing spring, and not wishing to leave any property behind me, it will be well worthy the attention of any person inclining to purchase this kind of property; it will be sold at an under value, the whole together, or separate. In point of situation, there is no property of the kind in the State, that surpasses it. There is a thick settled, fertile country around it, where the greatest abundance of produce may be collected; the land abounds with good timber for boat building, and a very convenient spot for that purpose on the bank of the river Kentucky; boats for the Mississippi trade can be built, and loaded at the mouth of Tate's creek with more convenience, less expense, and greater dispatch than at any other landing on the river.

There is on hand a stock of well seasoned floor barrels and stuff dressed for a number more. For further particulars enquire of the subscriber on the premises.

Elisha I. Winter Jr.

NOTICE.

ALL those indebted to RIDGELY and J. FISHBACK, FISHBACK & STEELE or J. FISHBACK, are requested to pay their respective accounts to col. Dedman, who is authorized to collect and receipt for the same.

FOR SALE,

5,000 Acres of Land,

Lying in the county of Henderson, chiefly on the waters of Highland and Trade Water. I will sell the above land very low for cash, horses, beef, pork whiskey or flour. Any person wishing to purchase, will please apply to me, living near Robertson's Lick, in the aforesaid county.

John Hopkins.

Sept. 3rd, 1805.

THOMAS WALLACE,

HAS just imported from Philadelphia, and now opened at his store opposite the court house, a large and well chosen assortment of

MERCHANDISE,

Consisting of

Dry Goods, Saddlery,
Groceries, China, &
Ironmongery, Queens' &
Cutlery, Glass, & Water.

All of which were bought low, and will be sold at the most reduced prices for Cash, Hemp, and Inspected Tobacco, for which a part Cash will be given.

Lexington, January 1806.

THIRTY DOLLARS REWARD.

RUN off from the subscriber, living in Frederick county, Virginia, about eleven months ago, a Mulatto fellow named

BOB,

aged about forty-eight years, five feet, eight or nine inches high, a blacksmith by trade, has a scar on his head about the size of a dollar or rather larger, which is not covered with hair; he is extremely fond of liquor, and insolent when drunk; was purchased of Mr. James Ware, near Lexington, Kentucky, about twelve years ago, and taken to Virginia—He has no doubt obtained a pass from some worthless person, as he could not have got to Kentucky without one. Any person taking the said fellow and securing him in any jail, or delivering him to Mr. Wilton in Lexington, shall be entitled to the above reward, and all reasonable charges paid by

JAMES HEARD.

May 1st, 1805.

STRAYED from the subscriber in Lexington on the 17th inst. a Bright

BAY HORSE,

About fourteen hands 3 inches high, with a black mane and tail, three years old last spring, no brand or mark that I recollect, except long bobbed tail, shod before, a natural trotter. Any person taking up the said horse and delivering him to me, shall be generously rewarded and all expenses paid.

Eng'd. Yeiser.

Lexington, September 16, 1805.

TOBACCO MANUFACTORY.

JACOB LAUDEMAN,

INFORMS his friends and the public in general, that he continues his Tobacco Manufactory,

in Lexington on Main Street, nearly opposite Wilton's Inn, where he has furnished himself with all necessary tools, and slaves of his own, so that he can manufacture about twenty or thirty thousand weight of Tobacco a year, by which means he is enabled to sell on the lowest terms for cash, or he will give from three to nine months credit on giving bond with approved security; he will also take orders in some good store in Lexington, for goods. Persons applying, may be furnished with the following kinds of Tobacco viz.

Chewing, in twist, pigtail of different kinds, smoking tobacco of different kinds, cut and in papers, segars, scotch and rappee snuff of different kinds.

The whole of which he will warrant equal if not superior to any manufactured in the State.

Lexington, Oct. 17, 1805.

N. B. A good price will be given for one or two hogheads of good Kitefoot tobacco. Any person wishing to purchase, can be supplied with tobacco of the different kinds at the store of Joseph Hudson opposite the Court House in Lexington.

STOLEN.

From my stable on the night of Sunday the 22d inst.

A Very Black Roan horse,

Rising five years old, between fourteen and a half and fifteen hands high, a grey star in his forehead, natural trotter, and trots fast, middling short tail, neither shod nor branded. Whoever will deliver the said horse to the subscriber in Lexington, shall receive a reward of Five Dollars—and for the horse and thief, a liberal reward will be paid.

NATHL. LOWREY.
December 24, 1805.

NOTICE.

DRS. S. BROWN, & E. WARFIELD, continue to practice

MEDICINE

In partnership, in Lexington and its vicinity; Dr. S. BROWN will continue his residence in the brick house adjoining Mr. William Leavy's Store—Dr. E. WARFIELD has removed to the large brick house formerly the property of Dr. F. Ridgely, and lately occupied by Mr. John W. Hunt.

April 4th, 1805.

Eagle Tavern.

THE subscriber respectfully informs the public, that he has lately opened a HOUSE OF ENTERTAINMENT, in that large, commodious building, on Main Street, lately occupied by the Bank, and nearly opposite the Court house, in the town of Lexington; where he is prepared to accommodate travellers, and others who may be so obliging as to call on him, in the best manner. He is constantly supplied with the most genuine liquors of different kinds; his bedding is extensive, and attended to with care and from the size of his stable, he is in hopes to render it as commodious as any in the State; and as he will always keep on hand a large quantity of hay, oats, and corn, together with a good stable, he flatters himself, that he will be enabled to accommodate his visitors in every manner that may suit their convenience.

WILLIAM SATTERWHITE.

Lexington, April 20, 1805.

RICHARD TAYLOR.

RESPECTFULLY informs his friends and the public, that he has opened a

House of Entertainment,

in that large and commodious brick house lately occupied by Mr. John Instone, in Frankfort; where he is supplied with the best of liquors and provisions of every kind. His stable is well furnished with forage, and an attentive ostler. From the arrangements made to accommodate his visitors, and the attention that will be paid them, he flatters himself he will share the public favour.

Frankfort, October 24, 1805.

FOR SALE,

18,000 Acres of Land,

ON the left hand side of the three forks as you go up the Kentucky, and at their junction. This land runs along the river three miles, and nine miles back. The bottoms are rich land; the ridges are capable of producing wheat, and other small grain. The pasturage is excellent for raising stock of all kinds, as it has a plenty of cane brakes, and peavines. All along the river is the sugar tree, wild cherry, and other woods common to this country.

When you go back some distance, is the pine; which produces tar, turpentine, pitch and rosin; which will finally be valuable, independent of the wood that is upon the land.

There is also a rock close to low water mark; that when the water is very low, flows clear salt upon its surface; and the rock itself tastes salt. There has been three water-witches (as they call them,) trying the experiment, and say, there is four feet square of very salt water at the top of the bank, which is not an hundred feet from the water; and close to it a very easy ascending hill, for several miles; and also the wood along the river. A coal bank within three hundred yards. There is also five valuable coal banks, which are near the river, with easy access to them. A coal yard and boat yard; and it is said, several salt-petre caves. The bottoms and along the creeks would produce good cotton or hemp. Lexington alone, independent of the country blacksmiths, consumes thirteen thousand bushels per annum. We will suppose Frankfort five thousand, which sells at the landing at one shilling per bushel, and twenty thousand might be sold; this might be made productive by a man of small capital. Independent of these advantages, the mouth of the three forks is the best fishing place in the State. In a small crib they can get five hundred pounds of fish in a day, and may get by a feign, five or seven hundred barrels per annum. Tobacco, flour, beef, pork, tallow, hog's lard, hemp, cordage, whiskey, or cast iron, will be taken in payment. Part credit will be given. If the whole cannot be sold, a half will be sold, or a third. A clear and indisputable deed will be given. For terms apply to Mr. Wm. Leavy Lexington, or at this office.

Lexington, December 4, 1805.

N. B. There are a number of acres of clear bottom land, and several log houses on the above lands.

NOTICE.

THOSE indebted to Macoun and Tilford, are requested to call and pay their respective accounts on or before the first day of March next. All those that fail to comply, must expect their accounts put into the hands of proper officers for collection, without discrimination.

Lexington, January 2, 1806.

THE SUBSCRIBER, JUST arrived from Philadelphia, now solicits the patronage of his friends in Lexington, as he means to carry on his business in the

Plastering & Stucco Work, in a masterly and workmanlike manner. Three or Four young men will be taken as apprentices to said business, by the subscriber.

S. Johnston & Daughters, Also beg leave to inform the Ladies, that they have for sale

Split Straw, Dunstable, & Leghorn BONNETS

of a superior quality, together with FLOWERS & WREATHS, of the newest fashion, with sundry other articles of Millinery. LADIES' DRESSES of all sorts made in the most fashionable manner.

JNO. JOHNSTON. Main Cross street, 4th house above the lot square. 1m

FOR SALE.

A VALUABLE FARM, of one hundred and twenty odd acres, on Cane run, Scott county, a little below Sanders's tavern—a handsome seat, well watered, a sufficiency cleared, a hewed log house two stories high, nearly new—possession may be had immediately—Cash is wanting.—For terms apply to

ELIJAH CRAIG. Georgetown, January 6th, 1806. 3t

GEORGE NORTON

Has on hand, and will keep a constant supply of Dorsey's Best Bar Iron;

Which he will sell at the most reduced prices for Cash. Also,

Hammered and Cut Nails Of every size; which shall be sold low, by wholesale or retail.

THOMAS JANUARY & HENRY PURVANCE,

UNDER THE FIRM OF Thomas January & Co.

ARE NOW OPENING AN ASSORTMENT

OF GOODS

IN a brick house nearly opposite Saint & Geo. Trotters; which they are willing to dispose of for Hemp, Tobacco, Whiskey, Bacon, Hogs' Lard, Bees' Wax, Country Linen and Linsey. They have also an assortment of CASTINGS, and a quantity of Mann's Lick SALT.

FOR SALE,

A LIKELY, young, strong hearty, NEGRO WOMAN with TWO CHILDREN—she has been entirely accustomed to cooking and house business, in which there are but few, if any, who excel her.—Enquire of the printer.

FOR SALE,

A NEGRO WOMAN who understands cooking, washing and ironing—Also a likely BOY and GIRL, 13 or 14 years old. Apply to the printer hereof.

FOR SALE—On long Credit,

ONE two story BRICK HOUSE, and Lot of Ground, on the Limestone road, at the edge of town. Also, the HOUSE & LOT

in Lexington, occupied by George Adams jun. next door to George Norton, and the Ground adjoining John Adams jun. A good House Wench, a Wagon and Team of Five Horses, well equipped for the road, two Brood Mares, and six Colts, two years old and yearlings. The above property is to be sold on a long credit, the purchaser giving bond with approved security, by me,

GEORGE ADAMS Sen. Dec. 17th, 1805. 1f

RAN AWAY

From the subscriber, living on Clear creek, in Jefferson county,

A Negro Man, called Simon, about 30 years of age, six feet high, right black, his legs are long and small in proportion to his body, a small round mouth; large round nose, the heels round half way the foot, with small cut nails in them. Whoever brings home said negro, shall have ten Dollars, paid by me,

Wm. Hughes. December 12, 1805. 13w

Mason county, fit. 3d May, 1805.

Taken up by John Johnston, in Washington,

A Dark Bay Horse, with a small star in his forehead six years old, about fifteen and a half hands high, branded on the near shoulder with a stirrup iron, has a shoe on his fore foot, and one on his hind foot; appraised to twenty dollars.

A copy. Telle Marshall Key, D. C. M. C.

FAYETTE CIRCUIT COURT,

September Term, 1805.

George Manfell, Complainant,

Against

John C. Owings, and others, Defendants.

IN CHANCERY.

THE Defendant John C. Owings, having failed to enter his appearance herein agreeable to law and the rules of this court, and it appearing to the satisfaction of the court, that he is not an inhabitant of this Commonwealth, on the motion of the complainant, it is ordered, that the said defendant do appear here on the third day of our next March Term, and answer the Complainant's bill, and that a copy of this order be inserted in some authorized paper agreeable to law.

A Copy Telle Tbos. Bodley, C. F. C. C.

Taken up by John Baker, near Goslin meeting house, on the head of Stoner, in Clarke county,

An Iron Gray Horse Colt, about two years old next spring, with a blaze in his face, with a wart above his left eye, neither docked nor branded; appraised to seven dollars.

December 5, 1805.

REMOVAL.

E. W. CRAIG,

HAS removed his store to the corner white house, opposite Mr. Leavy's; where he has received and just opened, a new and large assortment of choice

FRESH GOODS, which he offers to his friends and the public at the most liberal and reduced prices.

FOR SALE,

A Likely Negro Girl, ABOUT 18 years of age—enquire of the printer.

The celebrated English Stallion TUP, a descendant of Old Eclipse, will stand in Lexington the ensuing season: The terms will be made known in due time.

January 12, 1806.

E. WARFIELD.

A BARGAIN.

By which the purchaser may make a fortune more speedily, than by any other one offered in the state.

I will sell the Tavern

TRAVELLERS' HALL,

Which I occupy, with or without the furniture and stock of liquors, for part Cash, part Store Goods, Negroes, or Country Produce, paid down; the balance in eight annual payments, with interest from the date; or in four annual payments of half Cash, and half approved produce, with interest from the date.

The situation, convenience, elegance and custom of Travellers' Hall, are well known to be unequalled by any Tavern in the Western Country, and by but very few in the Union.

If this property be not sold before the 10 April next, I shall not dispose of it after ward at less, for several years.

R. Bradley. Lexington, 14th January, 1806.

NEW STORE.

ABNER LE GRAND,

INFORMS his friends and the public, that he has just returned from Philadelphia, where he has purchased a large and excellent assortment of MERCHANDISE, which he is now opening in the house lately occupied by Messrs. Macoun & Tilford, on Main street, consisting of a general assortment of

DRY GOODS, GROCERIES, HARD WARE, QUEENS' CUTLERY, CHINA & SADDLERY, GLASS STATIONERY.

Which he is determined to sell at the most reduced prices for Cash, that Goods can be sold at in the state.

Lexington, January 1st, 1806.

ROBERT CROFFORD, late from the county Tyrone, in Ireland, wishes to find a Widow Allison, whose maiden name was Clark, from the same part, as he supposes she lives in this state, or the state of Ohio. By directing a letter to him at Washington, Kentucky, Mason county, she may find him.

*3a3t Kentucky, Dec. 28th, 1805.

JOHN GRANT,

Painter, Glazier & Paper Hanger,

RESPECTFULLY informs his friends and the public in general, that he has removed his shop to the house on Main street lately occupied by Mr. George Young, shoe maker, opposite Mr. Bailey's printing office, where he intends carrying on his business in all its various branches, extensively and with dispatch. Being now furnished with every necessary material, he will be enabled to complete any kind of work in the above line of business, in a neat and masterly style, and on the most reasonable terms.

He returns thanks to those who have favoured him with their commands, and hopes from his assiduity and attention to business, to merit a continuance of their favours.

Putty and Paints, by the small quantity always on hand.

One or two apprentices will be taken to the above business—boys from 14 to 16 years of age, will meet with liberal encouragement, 1f

DANIEL HALSTEAD & Co.

RESPECTFULLY inform their friends, and the public in general, that they have just opened

A STORE

In Main street, in the house of Mrs. Parker, last occupied by Mr. Brian, Saddler, where they have for sale the following articles, viz.

Ladies' silk plush Dress Hats and Bonnets, Leghorn super do. of different qualities,

Straw Wreaths, Plumes & other Ornaments, A general assortment of fashionable Ribbons,

Camels' hair, chintz, silk & muslin Shawls, Cambric, Jaconet and black Muslins,

An assortment of coarse and fine do. Calicoes and Chintzes,

Bandana, Cotton, Linen and Madras Handkerchiefs,

Fine and coarse Linens,

An assortment of fine and coarse Cloths, Velvet and Fancy Cords,

Touillet, Swansdown and Merceilles Waistcoat patterns,

An assortment of Dimities, Men and Womens' leather Gloves,

Ladies' cotton and silk do. Red, yellow and white Flannels,

Green Baize, Men and Womens' Cotton Hose, &c. &c.

The subscribers have also for sale, a light WAGGON, a good farm HORSE and breeding MARE, and a set of complete HARNESS with chains &c. for which they will take whiskey, lumber or salt, or part of either of the above articles in part payment.—A few cases of LEGHORN BONNETS, of the newest fashion, which they will sell low for Cash, or approved Notes at 60 or 90 days.

D. HALSTEAD & Co.

THE Minutes of the North

District Association of Baptists,

are ready for delivery at this Office.

FROM THE PALLADIUM.

CHAP. II.

OF MR. LITTELL'S EPISTLE.

AND it came to pass that when the merchants of the city of Lexington saw that the chiefs of the people and the wife men would follow the counsel of Felix, they were sorely troubled, and their countenances fell:

2. And they said one unto another, we shall surely one day fall by the hand of Felix, for lo! he hath discomfited Henry, and there is none other in whom we can put our trust:

3. But there was among the knaves of Henry, a certain wife man whose name was Green, and this man was exceeding rich, moreover, he was a chief captain of the host, and judged the people many years.

4. Now Green was not a mighty man of words, but he was a man renowned for wisdom, was skilled in all the laws and customs of the nation, and was moreover, more subtle than any of the wife men of the realm of Kentucky:

5. And he said unto the merchants, take courage, be not dismayed, for I will turn the heart of Felix towards you;

6. For surely Felix is envious that ye have a power to make money out of rags, when he and the other chiefs of the people have no such power:

7. I will therefore propose to the assembly of wife men, that Felix and the other chiefs, and all the wife men, and Christopher the prince of the realm, shall be united with you, and become your fellow laborers in making money out of rags;

8. And forasmuch as there are in the city of Frankfort many rags, I will propose that Christopher, the prince of the realm, shall build a mill in that city for the purpose of working them up into money, until your souls and the souls of all the people shall be satisfied with money made out of rags.

9. And when the merchants heard this, they rejoiced, and said one unto another, surely the Lord of Hosts hath put the spirit of wisdom into the heart of Green, to deliver us from this great and bitter calamity.

10. So Green proposed to the assembly of wife men whatever he had said unto the merchants.

11. And when the wife men heard this, they pricked up their ears, & said, as the Lord liveth, we will follow the counsel of Green, for he is exceeding wise, and will it not be a goodly thing for us and the chiefs of the people to make money out of rags?

12. Moreover the speeches of Felix are not against this matter, for it will not be an exclusive privilege when the wife men and chiefs, and Christopher, the prince of the realm have power to do the same thing.

13. So the wife men assented to whatever was proposed by Green, and Green directed the manner in which the rags should be changed into money.

14. And when the wife men had assented thereto, Green asked the chiefs of the people to assent also, for it is a custom that the wife men can do nothing without the consent of the chiefs.

15. Then Felix rose up and said "Men and brethren, if any of you are not willing that we and the wife men and Christopher the prince, should become fellow laborers with the merchants of Lexington in making money out of rags, speak out."

16. Then thirty and five of the chiefs said—we are willing.

17. Then said Felix "Inasmuch as ye will go a whoring after this thing, I will counsel you how this money shall be made, for verily the manner which the wife men have devised is not a good one;

18. And if you should labor on rags in that manner never so long, they will not become money but remain rags still."

19. Then Felix shewed unto the chiefs of the people his manner of making money out of rags.

20. And while Henry hearkened unto Felix, he waxed wroth, and said, "wherefore should the wife men and the chiefs of the people desire to make money out of rags rather than out of gold and silver?"

21. Is it not because gold and silver they have none, but of rags they have enough and to spare.

22. Nevertheless Felix hath devised a way in which it will be as easy to make money out of rags as out of gold and silver."

23. Then there arose a great strife between Felix and Henry about the

manner of changing rags into money.

24. And the chiefs of the people said one unto another "surely this is a dark matter, we cannot comprehend it, and even Felix and Henry who are exceeding wise, they understand it not."

25. It is surely a goodly thing to make money out of rags if peradventure it can be done, but as we know not the manner of doing it, we will not undertake it, lest we should fail, and so become a reproach among the people."

26. Thus did Felix among the chiefs of the people, bring to naught the counsel of Green and the device of the wife men.

27. And it came to pass after the end of ten days, that Christopher, the prince of the people, rose up and said,

28. "Ye wife men and chiefs of the people, it is surely an unfeeling thing that ye have raised such a strife with the merchants of the city of Lexington;

29. These men have no power except that which they have bought of you; if it was to you a desirable thing, why did ye not keep it when ye had it?"

30. It becometh you not to take it away by force after you have sold it:

31. Moreover the law is open, & if the merchants have injured or defrauded you, there are judges who will do what is right between you and them."

32. Nevertheless the chiefs of the people said "we will not hearken unto the words of Christopher, but we will do that which is right in our own eyes."

33. But the wife men pondered on these things many days, and they said one unto another "surely there is wisdom in the words of Christopher, and his counsel will we follow;

34. We will not again go a whoring after the devices of Felix, lest we should commit a great sin against the merchants of Lexington, and against our own souls,

35. For surely his counsels are ungodly and lead down to the chambers of death."

36. Thus was the counsel of Felix, and all his cunning speeches at last set at naught, and he prevailed not against the merchants of the city of Lexington.

37. And when the merchants saw that Felix was discomfited, they rejoiced with an exceeding great joy, and gat them every man to his own house.

For the Kentucky Gazette.

MR. PRINTER,

THE publication of the resolutions of the town meeting in your paper of the 23d inst. without comment, may convey an idea, that they were adopted unanimously; in order therefore that no impressions unfavorable to Lexington, may be made on the public mind, I beg leave through the medium of your paper, to state the proceedings anterior to, and at that meeting, respecting the introduction of a Branch Bank.

During the time the bill to repeal the charter of the Insurance Company was before the Legislature, a meeting of merchants and manufacturers, of the town of Lexington was held. At that meeting, it was proposed to address the President & Directors of the Bank of the U. S. to send a Branch to this place.—The proposition was agreed to by a large majority; but a resolution entered into, that in the event that the repealing bill did not pass into a law, that the address should not be forwarded; the bill fell in the Senate, after being returned by the Governor with objections, and nothing was further publicly said on the subject of a branch bank, until about the 8th inst. It appears that on the 8th, a Gentleman received such assurances, from his correspondent in Philadelphia, as to satisfy him, that a branch bank could be obtained on proper application being made; in consequence of which, with the aid of two or three assistants, a petition was framed, and carried from house to house, by which means, and the prospect of immediately obtaining the use of 500,000 dollars, which was warmly impressed on most of their minds; the merchants and principal mechanics were induced to subscribe. The address was forwarded by mail on the eleventh.

Some of the citizens who were opposed to the introduction of a branch bank at any rate and particularly after the impression made at a former meeting, that it was only intended in the event of a repeal of the char-

ter to the Insurance Company; & observing the precipitation with which the business was conducted, thought it necessary to take the sense of the citizens in a general meeting, when the merits of the question could be fairly discussed in their presence; this meeting was held on the 18th, when the following resolutions were offered by Mr. Pope, and advocated also by Maj. Parker and Dr. Fishback, viz:

Resolved, as the opinion of this meeting, that it would be impolitic and unwise, for the citizens of the town of Lexington, to attempt to procure a branch of the Bank of the United States in this place, without consulting the public will.

Resolved, that the promoters of an application for a branch Bank, be requested to countermand that application, until the public will can be known.

Resolved, that the citizens of this state, be requested as early as possible, to declare their sentiments on the introduction of a branch bank, by resolution or otherwise, and forward them to the chairman of this meeting.

Resolved, that the chairman of this meeting be directed to transmit a copy of these resolutions to the president and directors of the bank of the United States by the first mail.

The resolutions published in your last, were offered by Mr. Clay, in lieu of Mr. Pope's, and advocated also by Mr. Turner and Mr. Bibb; they were adopted by a large majority, the principal part of whom had previously signed the petition. If the foregoing is not a fair statement of facts, some Gentleman will correct them.

A Citizen of Lexington.

CROSS-PLAINS.

A BLACKSMITH immediately wanted; none need apply without being well recommended—liberal wages will be given. There is a shop, tools, and coal, and a continual supply of stone coal will be kept.—I also have about 1800 feet of well seasoned

PINE PLANK, for sale. REUBIN HUDSON. Jan. 29th, 1806. 21f

RAN AWAY

From the subscriber on the 22d inst.

A Negro Man, named TRIM, about 26 years of age, about 5 feet 9 inches high, heavy, well set fellow; I suppose he may be lurking about Lexington, or the neighborhood. He took with him a

Chestnut Sorrel Horse, about 8 years old, about 4 feet 10 inches high, when rode hard he blows very free, and is supposed to be injured in his wind; a double skirted saddle, nearly new, and a snaffle bridle with plated bit. Fifteen Dollars will be given for the fellow and horse, or Ten for the negro and Five for the horse, and all reasonable charges if brought home to me, living four miles from Paris.

John P. Lawton. January 28. 3w

NEW STORE.

THE SUBSCRIBER, Having just arrived from LONDON, with an assortment of the best and most

FASHIONABLE GOODS, Has opened a Store opposite the Insurance Company's Office.

They consist of

Woolen & Linen Drapery, Haberdashery, Hosiery, Gloves, Cutlery & Hardware; together with a great variety of New and Curious Articles, never before imported to this country. Viz.—

Children's leather caps, black and scarlet, Children's books, a great variety, with superior prints, Salisbury flannels for pelisses, plain & printed, Chambray muslins, and London gown prints, Printed, Norwich and tamboured hawls, Lamb's wool cravats, or comfortable for the neck,

Queens' bath and patent net garters, Wash leather socks and water proof shoes, Patent sewing and marking cotton, Umbrellas, and elegant parasols,

Real white chappel needles, and ounce pins, Best superfine cloths and cassimeres, Bennett's patent cords, plain and fancy, Scotch cambrics, remarkably cheap, Britannia ware, latest silver fashions, in Coffee & tea pots, sugar basins, cream ewers, Tea caddies, pepper castors, mustard pots, Salt cellars, candle sticks, spoons, &c. &c.

Fringe, line & tassels for bed and window curtains,

6-4 & 9-4 diaphanable linen—damask patterns, 10-4 & 12-4 rose blankets of superior quality, Pocket compasses, &c.

An assortment of ready made clothes, very cheap,

A fine chamber organ, by Eveligh, with six stops, drum and triangle,

A complete family medicine chest,

A large chest of carpenters' tools,

An excellent barometer and thermometer,

A capital telescope with brass stand,

A magic lantern with curious slides, Patent shot of all sizes—

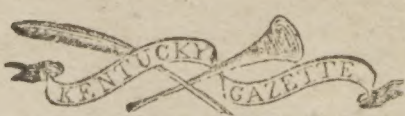
With a great variety of other articles, too tedious to mention; The whole of which I will sell on the most reasonable terms.

JOHN WRIGGLESWORTH. Lexington, December 26, 1805. 1f

Taken up by Aaron Quick, on Station Camp creek, Madison county,

One Iron Gray Mare, supposed to be three years old past, no brand perceivable, with a scar on her near buttock, and a bob tail, her off hind foot white; appraised to fifty dollars.

Benjamin Cooper. November 16, 1805.



"True to his charge—
He comes, the Herald of a noisy war,
News from all nations lumb'ring at his back."

LEXINGTON, JANUARY 30.

COMMUNICATION.

The general satisfaction, experienced by the ladies and gentlemen who were present at the examination of the young ladies, in Mrs. Beck's Academy, which commenced on the 14th inst. induced a belief, that some gentleman, capable of doing justice to the subject, would have given the public information of the pleasing progress the young ladies have made in Reading, spelling, writing, Arithmetic, Composition, Grammar, Geography and Astronomy. Since the former examination, their improvement was so obvious, as to leave no doubt on the minds of all present, of the great importance and utility of the institution, and the credit due Mrs. Beck, as well as to the young ladies under her care.

In the afternoon of Tuesday last, a quarrel took place between two Indians, who have been for some days in this place, one a Chickasaw, the other a Chactaw, which terminated in the Chactaw stabbing the other in several places with a knife. He immediately ran off, but returned again yesterday; when the quarrel was made up, and the whole attributed to whiskey. The wounds were dressed by Dr. Fishback, in the usual method, in the presence of the father of the wounded man, who showed great impatience until it was completed; when he immediately took off the dressing, and after sucking out the blood with his mouth, plastered them up with mud. It is yet doubtful whether or not he will recover.

On the 8th inst. a duel was fought at Pittsburgh, between Mr. Stewart and Mr. Bates. They fired twice. The second fire Stewart's ball entered Bates's left breast, and he expired in about three quarters of an hour. The dispute originated in political newspaper publications.

Yesterday's mail furnished us with no late Washington City papers, and few from Philadelphia or Baltimore. Our European intelligence still continues highly interesting. The French armies had not ceased to be successful, both in Germany and Italy. The Russians who had attempted to oppose Bonaparte, had shared the same fate of the Austrians. The French were, at the date of the last accounts, within 160 miles of Vienna; and there appeared nothing to prevent their shewing themselves before that city, unless they should be stopped by negotiations for peace, of which there was some probability. The excesses committed by the Russians were represented as intolerable, and it is said the citizens prayed for the arrival of the French to relieve them from their allies. It is stated that the Austrian and Russian armies hold each other in great detestation and jealousy. The Austrians charge the Russians with delay, whereby they suffered sorely. In return the Russians charge the Austrians with being too hasty, in marching forward, before the arrival of the Russian forces. Gen. Mack has been much censured for his surrender of Ulm, and is viewed with great suspicion. Prussia appears firmly resolved to support her neutrality.

We understand (says the Philadelphia Freeman's Journal) that yesterday morning, a duel was fought between Major Jackson, Editor of the Register, and Daniel W. Cox, Esquire, when the former received a bullet through his jaws.

The followings proceeding were had at a town meeting held in the town of Frankfort on the 20th inst. and a copy thereof forwarded to the president of the bank of the United States by mail.

"FRANKFORT, State of Kentucky.
"Information having been received that a petition of the merchants and mechanics of the town of Lexington, have subscribed and forwarded an application to the president and directors of the Bank of the U. S. to establish a branch bank in said town, a meeting of the citizens of this town and its vicinity, was deemed proper, in order to take into consideration the policy, expediency & probable consequences of that measure. A full meeting was accordingly convened at the state house on the 20th day of January 1806, at which the governor, federal judge, secretary of state, attorney general, auditor, treasurer, register and many merchants and citizens of the town and neighbourhood attended. The hon. Harry Innes being called to the chair, & Wm. Trigg appointed secretary, the following resolutions were introduced, and after discussion and deliberation adopted (viz.)

"Resolved, unanimously as the opinion of this meeting, 1st. That the introduction of a branch of the Bank of the United States into this commonwealth, is altogether inexpedient; and will be highly injurious to the interests of the good people thereof, and ought to be discountenanced by every proper means—2. That the application therefor to the president and directors of the bank of the United States, by certain merchants and mechanics of the town of Lexington, has been made without due regard to the serious consequences which may result from the institution if obtained, & also without due respect to the general interests of the state, or to the sentiments of the citizens thereof, who (the applicants excepted) are universally opposed to the measure, as was unequivocally expressed by their representatives in their late legislative session.
"Resolved, that the chairman of this meeting, do transmit a copy of

the above resolutions to the president and directors of the bank of the United States, to be laid before them for their consideration."

ALARMING.

It is reported, that the British government contemplates attempting to put an entire stop to the exportation, by neutrals, of Colonial Productions; of course, to confine the importation to a supply for the consumption of the neutral country. (Boston Palladium.)

RALEIGH, (N. C.) Dec. 30.

We are concerned to learn, that the bill lately before the South Carolina Legislature, proposing to repeal the law which authorizes the importation of slaves, has been lost by a single vote in the Senate! So that this horrid traffic will continue at least another year. Is it not hard, that after a large majority of the most popular branch of that Legislature had determined to wipe off this stigma on the State, that sixteen members of the Senate (a majority of one only) should have the power of retarding it, contrary to the wishes, it may be fairly presumed, of a large majority of the citizens of that State?

The Legislature of Georgia adjourned on the 9th instant. We understand that they have passed an act, levying a tax of two and a half per cent, on the capital of the branch bank of the United States, in that city; and one half per cent, on bills issued above their capital.

BALTIMORE, Jan. 4.

The mail stage which passed thro' this city yesterday, in consequence of conveying dispatches to government, we learn did not wait to receive the mail from hence, but pushed on with "all diligence" to Washington. It is reported, upon what authority we know not, that these dispatches contain the highly important information—that Mr. Monroe, our ambassador at the court of Great-Britain, had left that country and retired to Paris, in consequence of the tenacity with which the British government adhered to their definitions of Neutral rights.

A few days will probably give us an opportunity of confirming or contradicting this piece of intelligence, which comes under very dubious appearance.

PARIS, October 29.

Head Quarters, Augsburg, Oct. 22.
After the capitulation of general Wemeck, near Nordlingen, prince Ferdinand with about 1000 horse, fled into the Prussian territory, for Nuremberg. Prince Murat followed him and overtook his rear near Nuremberg; when all the rest of the park of artillery, baggage, &c. were taken, Murat and his troops, particularly those belonging to the imperial guard, covered themselves with glory—1500 waggons, 50 pieces of cannon, and 16,000 have been taken of the columns which fled from Ulm.

AUGSBURG, Oct. 21.

A report is now in circulation, that the French having passed the Inn in several places, had turned the corps of the enemy's army, which occupied the route of Linz. It was composed of the Austrian division of General Kienmeyer, and of 18,000 Russian infantry. This corps has been entirely defeated and dispersed; the Russians in particular have been terribly cut up.

The Latest from Europe.

NEW-YORK, Dec. 31.

The brig Sally Tracy, Captain Skiddy, arrived at this port last evening, in 40 days from Bordeaux. She brings Paris papers to the 10th of November, by which we are enabled to trace the operations of the French armies in Germany, to the publication of the fifteenth bulletin, and to follow the army of Italy in its career of victory. But from the late hour at which these papers were received, we find it impossible to lay before the readers of the Mercantile Advertiser this day, more than the eleventh and twelfth bulletins of the Grand Army; two bulletins of the army of Italy, and some smaller articles, which place beyond a doubt, the determination of Prussia to preserve a strict neutrality.

Our last advices from the Grand Army, contained in the fourteenth and fifteenth bulletins, are dated from the head quarters at Braunau, a well fortified town in lower Bavaria, at the distance of about 160 miles from Vienna. It had been occupied by the Russians, who fled at the approach of the French troops, leaving behind them 45 pieces of cannon, with sliding carriages, 40,000 balls and howitzers, 100,000 lbs. of gunpowder, 40,000 rations of bread, more than 1000 facks of flour, 1000 muskets, and every article necessary for the maintenance of a great siege.

On the margin of our latest French paper, was written the following very important information. We cannot vouch for its authenticity; but our recent accounts from Italy render it probable, that the French have gained great and decisive advantages in that country.

"Massena has gained a complete victory over the Austrian army in

Italy, taken 15,000 prisoners, and put the Arch Duke Charles to flight."

ELEVENTH BULLETIN

Of the Grand Army.

Munich, 4th Brumaire, Year 14.

The Emperor arrived at Munich, the 2d Brumaire, at 9 o'clock in the evening. The town was illuminated in great taste. A great number of persons had decorated the fronts of their houses with emblems, expressive of their sentiments.

On the 3d, in the morning, the Grand Officers of the Elector, the Chamberlains and Gentlemen of the Court, the Ministers, Generals, privy Counsellors, the diplomatic body accredited to his Electoral Highness; the deputies of the States of Bavaria, and the Magistrates of the city of Munich, were presented to his Majesty, who conferred with them for a long time, upon the economical affairs of their country.

Prince Murat is arrived at Munich. He has exhibited a prodigious activity in his expedition. He never ceases praising the valiant charge of the Chasseurs of the Imperial guard, and of the Carabiniers.

A treasure of 200,000 florins fell into their power; they passed it without touching any part of it, and continued to follow the enemy.

Prince Ferdinand was present at the last engagement, and made his escape on a horse belonging to a Lieutenant of cavalry.

The whole town of Nuremberg has witnessed the bravery of the French. A great number of deserters and fugitives of the wreck of the Austrian army fill the province of Franconia, where they commit the greatest disorder. All the enemy's baggage has been taken.

In the evening, the Emperor went to the theatre, where he was received with the sincerest demonstrations of joy and gratitude.

Today the Emperor, after seeing Marshal Soult's army file off before him, hunted at Nymphenburgh, the Elector's country seat.

Every thing is in motion: our armies have crossed the Isar, and are marching towards the Inn, where Marshal Bernadotte on the one side, General Marmont on the other, and Marshal Davout will be this evening.

TWELFTH BULLETIN

Of the Grand Army.

Munich, 5th Brumaire, Year 14.

To the 5th Bulletin of the army, must be added the capitulation of Memmingen, which was forgot.

The fortifications of Ingolstadt and Augsburg, are at this moment, repairing with the greatest activity.

Tetes de pont are constructing to all the bridges of the Leck, and magazines are established behind them.

His Majesty has been highly satisfied with the zeal and activity of General Bertrand, his aid-de-camp, whom he has frequently employed in reconnoitring.

He has ordered the fortifications of the towns of Ulm and Memmingen, to be demolished.

The Elector of Bavaria is expected every moment. The Emperor has sent his aid-de-camp, Col. Lebrum, to receive him, and offer him escorts of honor on his road.

A Te Deum has been sung at Augsburg and Munich. The Bavarian people are full of good sentiments; they run to arms, and form voluntary guards, to defend the country against the incursions of the Cossacks.

Generals Derdi and Wreden, display the greatest activity: the latter has made many Austrian prisoners. He served last war in the Austrian army, where he greatly distinguished himself.

General Mack crossing Bavaria in post, on his return to Vienna, met General Wreden, at the advanced posts, near the Inn. They had a long conversation upon the manner the French treat the Bavarian army.

"We are better off than with you," said General Wreden: "we have neither furlines nor ill usage to support—and far from being exposed the first to the blows; we are obliged to ask for the perilous posts: because the French had rather reserve them for themselves. Among you, on the contrary, we always had to bear the brunt of every engagement."

A staff officer is just arrived from the army of Italy. The campaign commenced on the 26th Vendemiaire. That army will soon form the right of the Grand Army:

MINISTRY OF WAR.

Army of Italy.—The Marshal of the Empire Massena, General in Chief of the Army of Italy, to the Marshal of the Empire Berthier, minister of war. Head-Quarters at Alps, 26 Vendemiaire, year 14, at midnight.

I have had the honor of informing you, Mr. Marshal, that after the expiration of the term agreed on with prince Charles, I should profit of the first moment to act vigorously. I attacked this morning at four o'clock, the bridge of the old castle of Verona, and I have crossed the Adige. I mean to give you an account of the results of my operations.

I had assembled the army at Zevio, and in the environs, so as to enable to march wherever the enemy might attempt a passage. This concentration of troops inspired fears concerning my real design. I gave orders for a false attack to be made on my right, and hostile demonstrations on my left: my intention was to deceive the enemy by these different movements, and the success answered my expectations. The first operation was to throw down the wall which defended the middle of the bridge; it fell by means of a train of powder set with great boldness. The two cuts which the Austrians had made were rendered passable by means of planks and boards, and immediately 24 companies of rangers, taken from amidst the divisions of Gardanne and Duchesne, rushed to the other side of the bridge, under the protection of the cannon of the old castle; they were soon followed by the whole of the first division, under the command of General Gardanne.

The enemy defended the passage in force, and opposed us bravely. He was put to the rout and pursued to the heights. Reinforcements sent by Prince Charles arrived from all parts; the two armies continued fighting with great obstinacy from four in the morning until six in the evening. The Austrians did not yield their territory until after having obstinately disputed it; at length we drove them from all their positions, and destroyed all their entrenchments. Seven pieces of artillery and 18 caissons are the fruit of this day; we have taken from them 14 or 1500 prisoners; they have left 1200 men on the field of battle, and they have a much greater number wounded. On our side we have had few killed; we have 300 wounded, yet but few of them dangerously.

I immediately gave orders for building a tete de pont, and it is now solidly established. I shall take care to inform you of the results of this day and of the advantages which I hope to reap from it. Be so kind as to present to his majesty the emperor and king this first pledge of the valor of his army of Italy, and renew to him the assurance of our attachment to the execution of his designs.

I remain, yours, &c.

MASSENA.

Third Bulletin of the Army of Italy.

Head-Quarters at Vago, 8th Brumaire, year 14.

After the affair of the 7th the army took up its position at Vago, two miles below Caldiero. On the 8th at two in the afternoon it attacked the enemy along the whole line. The division Molitor, forming the left began the action; that of gen. Gardanne, attacked the centre and that of general Duchesne the right. These different attacks were well executed and happily conducted. The village of Caldiero was carried amidst the cries of long live the emperor!

At half past four, Prince Charles gave orders for his reserve consisting of 44 battalions of Grenadiers and several regiments to advance. The action then became hotter. His Majesty's troops displayed their accustomed intrepidity; the cavalry made several charges and every time with success; the battalions of the Grenadiers of the reserve were engaged at the same time, & the bayonet decided the fate of the day. The enemy caused to play on us upwards of thirty pieces of artillery, which lined his intrenchment. But notwithstanding the obstinacy of his resistance he was put to the rout and pursued to the foot of the redoubts beyond Caldiero.

We have taken 5,500 prisoners. The field of battle is strewn with Austrians; the number of their killed and wounded is at least equal to that of their prisoners—Prince Charles has asked for a truce in order to bury the dead.

Our loss is inconsiderable in comparison to that of the enemy.

The Marshal General in chief bestows the highest praise on the courage and attachment of the army—he purposes noticing more particularly the noble actions which have signified this day, and laying before his majesty the emperor and king the names of those brave fellows to whom the honor of it is due.

GERMANY.

Nuremberg, Oct. 27.

We have received letters from Passau of the 25th. They are full of details relative to the proceedings of the Russians, who appeared for a moment on the borders of the Inn, and sent some detachments to the left bank of that river, but which they hastened to abandon on the first news of the French and Bavarians.—We learn, by the same letters, that gen. Kutulow has made his army take a new position, in which he proposes, they say, to wait for the French. His line extends from the Inn upon the Danube along the right bank of the Inn to the mouth of the Salza by Dittingen and Lauffen as far as Salsburg, Reichenhall and Berchtesgaden. gen. Leinmayer, who also commanded upon that point, has been replaced by general Meerfeldt.

There already reigns a great misunderstanding between the Russians and Austrians: the latter accuse the former of having designedly delayed their march and rejoicing in secret at the defeat of general Mack's army. It is even asserted that some very warm disputes have taken place between the generals of the two powers.

The Prussian Ministry have addressed to all the Civil and Military Authorities of Franconia, a very consolatory circular letter for the neighboring states. It states in substance, "That H. P. M. is taking the most efficacious measures to shelter his faithful subjects from the vexations which they may experience, by the unforeseen passage of troops belonging to the belligerent powers, but that these measures and preparations for defence are only to be considered as a surer means to establish a perfect and strict neutrality for the Prussian territory: all other interposition must be carefully avoided."

Wurtzburg, Oct. 30.

The emperor of Russia not having been able to engage the King of Prussia to repair to Poland, is gone to see him at Berlin, where he arrived on the 25th instant. The interviews of this monarch with his Prussian majesty will not produce the results which many people expect from it. The cabinet of Berlin, independently of the last proclamation published in the principality of Anspach has clearly declared its intentions by the official declarations. In the last note delivered to Mr. Laforet, ambassador to France, and to gen. Duroc, it is said, "That his majesty will remain faithful to the principles which have hitherto directed his political conduct, and will be constantly animated by the desire of procuring to Europe the advantages of peace in concurring with all his power, by his mediation, to a happy conciliation of the differences which have kindled the flame of war." The motives of the military dispositions which have taken place, and the assembling of several corps of the army are thus explained. "All those measures have no other end in view than to insure the neutrality and protect the territory of his majesty."

THE KENTUCKY POCKET ALMANACK, For the Year 1806.

Containing a correct list of the court days in the several counties, in this commonwealth, may be had at this office.

UMBRELLA MANUFACTORY.

LUKE USHER,

from Baltimore, informs the public, that he has removed his Factory to Lexington, at the sign of the Umbrella, next door to Travellers' Hall, where he will keep a constant supply of

Umbrellas & Parasols, finished in the neatest manner.—Merchants and travellers may be supplied with Umbrellas at this Factory on more advantageous terms than by importing them.

He has also an assortment of

MEDICINE,

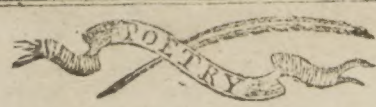
Which he will sell very low and on which a credit will be given—they consist of

225 lb. Sal Glauber	38 lb. Sena Alex.
121—Crem. Tart.	12—Pulv. Rhai
86—Flor Sulph.	45—Sal Nitre pura.
14—Camphor	634—Cathartides
8—Rad. Rhai opt.	24—Pulv. Cort. Pe.
2—Tart. Emetic	div. opt.
3—Rad. Ipica.	28—Succ. Glycyrrhiz
2—Pulv. do.	12—Gum Arabic
612—Ether	elec.
6—Merc. Precip.	3—Opium.
Rub.	

All persons are hereby cautioned against crediting my wife Nancy Pierce on my account, as I will pay no debts of her contracting. All persons are also forewarned from purchasing any of my property of her, as the purchase will not be good.

John Pierce.

January 25, 1806.



"TO SOAR ALOFT ON FANCY'S WING."

MY MOTHER.

WHO fed me from her gentle breast,
And hush'd me in her arms to rest,
And on my cheek sweet kisses prest?
My Mother.

When sleep forsook my open eye,
Who was it sung sweet lullaby,
And rock'd me that I should not cry?
My Mother.

Who sat and watch'd my infant head
When sleeping on my cradle-bed,
And tears of sweet affection shed?
My Mother.

When pain and sickness made me cry,
Who gazed upon my heavy eye,
And wept for fear that I should die?
My Mother.

Who dress'd my doll in clothes so gay,
And taught me pretty how to play,
And minded all I'd got to say?
My Mother.

Who ran to help me when I fell,
And would some pretty story tell,
Or kiss the place to make it well?
My Mother.

Who taught my infant lips to pray,
To love God's holy book and day,
And walk in wisdom's pleasant way?
My Mother.

And can I ever cease to be
Affectionate and kind to thee,
Who was so very kind to me,
My Mother?

Ah! no: the thought I cannot bear,
And if God please my life to spare,
I hope I shall reward thy care,
My Mother.

When thou art feeble, old and gray,
My healthy arm shall be thy stay,
And I will soothe thy pains away,
My Mother.

And when I see thee hang thy head,
'Twill be my turn to watch thy bed,
And tears of sweet affection shed,
My Mother.

For God, who lives above the skies,
Would look with vengeance in his eyes
If I should ever dare despise
My Mother.

"TRIFLES LIGHT AS AIR."

An eccentric barber, some years ago, opened a shop under the walls of the king's bench prison. The windows being broken when he entered it, he mended them with paper—on which appeared *Shave for a penny*, with the usual invitation to customers; and over his door was scrawled the following poetry—
*Here lives Jemmy Wright;
Shaves as well as any man in England,
Almost—not quite.*

Footie, who loved any thing eccentric, saw these inscriptions; and hoping to extract some wit from the author (whom he justly concluded to be an odd character) he pulled off his hat, and thrusting his head thro' a paper pane into the shop, called out, "Is Jemmy Wright at home?" The barber immediately thrust his head thro' another pane into the street, and replied, "No sir, he has just *popt out*." Footie laughed heartily, and gave the man a guinea.

BARGAINS FOR SALE—

An in LOT on High Street, on which is a Log House, Brick Kitchen—and Stable; in possession of Mr. Marsh.

ALSO:

An in LOT on High Street, corner of Spring Street, under Post and Rail Fence.

ALSO:

One Acre of Pasture on High Street in the rear of Jno. Fisher, and P. D. Robert's in Lots.—For particulars apply to

W. Macbean.

November 13, 1805.

A SMALL FARM FOR SALE.

100 Acres of first rate Land, WITHIN two and a half miles of Lexington, on Strode's Road; about 40 acres cleared, with tolerable improvements; upwards of 100 bearing apple trees, together with a few other fruit trees; well watered. If not disposed of by the 1st of March next, will rent. For further particulars, enquire of the subscriber within three miles of Lexington, near Genl. Levi Todd's.

Andrew F. Price.

Nov. 20th, 1805.

TWO APPRENTICES

Will be taken by JOHN JONES, At his Cotton Manufactory, on Water street, Lexington.

October 13 805.

HART & BARTLET, Large and General Assortment of MERCHANDIZE,

WHICH they can venture to assert are as well bought, and which can and shall be sold as low as any ever brought to the state. They will receive in payment cash, tobacco, hemp, or hog's lard in hand; but from the many disappointments they have met with in collecting for their last year's sales, they are determined to credit none.

26th November, 1805.

LOFTUS NOEL, TAILOR.

RESPECTFULLY informs the Citizens of Lexington and the Public in general, that he has commenced business in the House lately occupied by Maj. Morrison, (on Short Street,) where he intends to pursue the fame in all its various branches, and hopes from his knowledge of the above business, with the strictest attention and a desire to please, to merit a share of public patronage. Ladies and Gentlemen, who will be so obliging as to favour him with their custom, may rely on having their work done in the most fashionable and best manner, on the shortest notice, and on reasonable terms.

LOFTUS NOEL.

N. B. One or two Apprentices will be taken to the above business. The subscriber has for sale an excellent Coach with Harness, on low terms for Cash.

WOODFORD ACADEMY.

THE trustees of this seminary inform the public, that having met at Woodford Court-house, on Saturday the 21st December, in order to arrange the necessary business of the institution; they elected Mr. John Wood president of the Academy, and adopted the following plan of tuition to be pursued in future.

The branches of Education taught at the Academy of Woodford, to consist of the following:

1. English, writing, and the common rules of arithmetic.

2. The Greek, Latin and French languages.

3. Mathematics and natural philosophy.

The 1st, together with the junior classes of the 2d, will be under the charge of proper assistants to be elected, when the students are sufficiently numerous to require that aid.

In the 2d branch, the method pursued, will vary a little from that at present practised in other schools and seminaries. It is particularly recommended that youth should begin the Latin language at the age of six, or so soon as they are acquainted with the English alphabet, and the syllables of words, and to continue its study for six or eight years. The authors contemplated to be read after the rudiments, Cordeus, and Cæsar, are principally the poets, Ovid, Virgil, Horace, Terence, Lucretius, Tibullus and Juvenal. The practice of committing to memory select odes and passages; of scanning; and composing Latin verses, will be early and frequently attended to. The Greek language will be commenced in the fourth year of the Latin, and the authors to be read; Anacreon, Homer, Aristophanes and Sophocles.

The French will be taught towards the close of the studies of the Latin and Greek, immediately previous to the commencement of the mathematics.

In studying the mathematics, a full knowledge of Euclid, plane and spherical trigonometry, the elements of algebra, fluxions, and the conic sections, is recommended previous to the acquirement of any of the branches of natural philosophy; as they are intended to be taught principally by the medium of geometry and algebra.

The general art of design, or of drawing and painting, will be occasionally practiced as an amusement, and to relieve the mind from severer studies.

The knowledge of all religious, ethical, and speculative tenets, will be excluded from this seminary; as likewise the perusal of such authors as may tend to influence the mind of youth in those respects; but the strictest attention will be devoted to the moral department of the students, and to the cultivation of the virtuous and sympathetic passions; nor will any amusements be tolerated in play hours, but such as may have this tendency.

Although the above be the plan which is resolved in general to be adopted with the youth of the Woodford Academy; yet it will be frequently varied to suit the capacity, and intended professions of particular individuals; but not so as to occasion any derangement in the plan of the several classes.

The terms of tuition in future, will be five dollars per quarter, for those only studying English; six dollars for Greek and Latin students; seven and one half dollars after the commencement of the French language, or any of the branches of the mathematics and natural philosophy. Two dollars and one half additional, will be charged to those who obtain a knowledge of drawing or painting, or those branches connected with the art of design, as military or civil engineering, &c.

The fees of tuition are also required to be paid in advance, at the commencement of each quarter.

The healthy situation of the town of Versailles is sufficiently known, without the trustees urging any argument in its favor. It may however be proper to acquaint the public, that every necessary accommodation will be provided in the town, for the boarding of students, who live at a distance from their parents or friends.

6t Fran. Johnson Clk.

NEW SCHOOL.

MR. & MRS. GREEN.

BEG leave to acquaint their friends in Lexington and its vicinity, that on Monday, the 6th of January, 1806, they intend opening an

Academy for Young Ladies,

where will be taught, the following branches of Education, (viz.)

Spelling, Reading, with all kinds of

Needle Work, 8 3

Writing & Arithmetic, 3

English Grammar, Geography, &c. 3

Music, (vocal & instrumental) with

use of instrument, 12

Such ladies and gentlemen who please to honor them with the instruction of their children, may rely on their using every exertion in their power, towards their making a rapid progress.

N. B. The manufactory of Patent Piano Fortes, is carried on as usual.—Price 180 dollars.

Mr. Green has just received from Philadelphia, an assortment of NEW MUSIC, which he offers for sale.

Lexington, December 24, 1805. tf

WILL give 1s. 3d. per pound, for cleaned combed

HOGS' BRISTLES, At my shop, at the corner of Short and Croft Streets; where I carry on the

Brush Making Business

In all its branches; where the public can be supplied with as good BRUSHES as any imported from Philadelphia. As this business is of great utility to our country, it is hoped, that every good citizen will encourage this business, by attending to, or order their domestics to attend to the laving of the Bristles, at the time of cleaning their hogs. Their being scalded is of no injury to them. I still carry on the WHEEL and CHAIR making business, as usual.

ROBT. HOLMES.

Nov. 18th, 1805. 3m

100 DOLLARS REWARD.

RAN away from the subscriber, living near Greenville, Jefferson county, Mississippi Territory, a Negro Man, named

23 CHARLES,

whom the subscriber purchased from Thomas B. Scott and Robert Scott of Jessamine county, Kentucky. He is a well made black fellow, about 24 years of age, about 5 feet 8 or 9 inches high, he stoops a little in his shoulders and has a soft squeaking voice. He made his first elopement in September or October 1803, and was taken up in Robertson county, state of Tennessee, the 21st of July, 1804, where he remained until March 1803, at which time, Robert Childress, took him on board his boat, to convey him to his owner, and brought him near the mouth of Bayou Pierre creek, where he again made his escape. His cloathing at that time is not known to the subscriber. I will give the above reward to any person who will apprehend said negro out of the limits of this Territory, and will deliver him to me at my house, or Twenty Dollars for securing him in any jail, and giving the information thereof, so that I get him again; or Twenty Dollars to any person who will apprehend said negro within this Territory, and will deliver him to me at my plantation.

Thomas M. Green.

May 19th, 1805.

FOR SALE,

THE place whereon I now live, on 450 acres, lying on David's Fork of Elkhorn, with good improvements; about 140 acres of open land, the dwelling house is of Brick, two stories 22 feet wide and 46 feet long, two GRIST MILLS in good repair, and grind very fast, one pair of stones are French burr; the springs and stock of water was never known to fail. I will sell the whole together, and give an extensive credit on one fourth being paid down, or I will sell 100 acres with the mills and distillery on it, and give a considerable credit on one third being paid down. It is generally counted a very handsome place—it is needless to mention further particulars, as any person willing to buy, can view the premises.

11ptf John Rogers.

REMOVAL.

LAWSON McCULLOUGH.

28 TAILOR,

HAS removed his Shop from High-street, to a new framed house on Main and Mill-street, adjoining Mr. Lewis Sanders, and nearly opposite Mr. Thos. Hart's Store. Those Gentlemen who may please to favor him with their custom, may depend on having their work done with dispatch and punctuality, and in the neatest and newest fashion—He has for the accommodation of his friends and customers, (and a little for himself) laid in a general assortment of the most suitable trimmings for cloaths, and a few pieces of genuine Constitution cord and Indian Nankeens, all of which will be sold on the most reasonable terms. Be so kind Gentlemen as to call in and judge for yourselves.

I am the public's humble servt. 12m Lawson M'Cullough

Wanted Immediately, A JOURNEYMAN BLACKSMITH That understands his business, to whom generous wages will be given.—Enquire at this office.

STRAYED

FROM the subscriber in May last, a straw-

berry roan coloured

MARE,

three years old last spring, a white spot adjoining one of her fore feet on the fore part of the hoof, bushy mane and tail, had on an old bell. Also, a two year old

GELDING,

a dark or brown bay, a star in the forehead, a ship on one nostril, I believe his legs are all white, on the fore legs the white does not reach high up, a twitch tail, a lengthy made 1t. They were brought from Virginia last winter, by the Crab Orchard, and may have attempted to make that way—Whoever will deliver the above colts to me in Green county, near where the Columbia road crosses the road leading from Stanford to Greensburg, shall receive Five Dollars for each and travelling expenses paid for conveying them.

WILLIAM WALDEN.

Green County, Dec. 10, 1805. 4m

ALL PERSONS indebted to the subscriber for the SEASON of MARES put to STIRLING, are requested to make payment to Mr. ROBT. R. HALL, who is hereby authorized to collect the same.

Nov. 6, 1805. tf

Wm. T. Banton.

WOODSON WREN,

HAS removed his STORE to Mr. Geo. TEGARD N's Framed House, on Main Street, next door to Messrs. Saml. & Geo. Trotter's Store; where he will continue to keep

A HANDSOME ASSORTMENT OF GOODS,

Suitable for this Market.

He is authorized by Joseph Charles, to sell his BOOKS in the same house, where his customers may be supplied as usual. Students may be supplied here with CLASSICAL BOOKS on the lowest terms.

Lexington, October 29, 1805.

F. Downing & Co.

TAKE this method of informing their friends and the public at large, that they continue the

HOUSE & SIGN PAINTING

32 BUSINESS,

In all its branches: Papering, and decorating apartments in the most finished style. They undertake likewise Gilding and japanning—Old wares &c. japanned anew. They have added to the above mentioned branches, that of making new, and repairing old Looking Glasses. They have received an elegant assortment of Gilt Borders, for pictures or looking glass frames—They continue to take shaded and cut profile likenesses with the physionotrace, at their shop, opposite to Mr. Pope's office; where for the use of persons living at a remote distance, will be found, all sorts of paints, ready ground, and fit for immediate use, on the shortest notice, together with new brushes. All such persons by giving the subscribers the dimensions of what they desire to be painted, may be accommodated with a sufficient quantity of paint. They have also, always on hand, a quantity of PUTTY.

Three or four APPRENTICES to the above business, coming well recommended, will meet with encouragement.

VALUABLE PROPERTY FOR SALE.

700 acres Military Land, lying on Brush creek, N. W. T. where the road crosses from Limestone to Chillicothe; this tract contains about three hundred acres of rich bottom, the remainder is well timbered; has on it a good mill seat, and is an excellent stand for a public house.

500 acres ditto ditto, lying on Clover Lick creek, a branch of the East fork of the Little Miami, N. W. T. in a good neighborhood, about three miles from Dunlams-Town, seven from Williamsburg, and eleven to twelve from the Ohio river.

1000 acres ditto ditto, lying on Bruh creek, a few miles from New Market, N. W. T.

5000 acres, lying on Bank Lick creek, Kentucky, part of two tracts, containing 6000 acres, surveyed and patented for William Jones.

4000 acres, Clarke county, Kentucky, part of a tract of eight thousand acres, surveyed and patented for Richard Chinnworth.

3332 2-3 acres, Mason county, Kentucky, part of 5000 acres, surveyed and patented for George Underwood.

1200 acres, Mason county, Kentucky, surveyed and patented for Moody and M'Millin.

1000 acres Military land, on the waters of Russell's creek, Green river.

325 acres, Jefferson county, Kentucky, about four miles from Louisville, 40 acres of this tract is cleared.

116 1-2 acres, Franklin county, Kentucky, on the North fork of Elkhorn, about six miles from Frankfort; on that tract are considerable improvements.

A House and well improved Lot in the town of Paris, on Main street, nda adjoining Mr. Hughes's tavern.

An Inn and Out Lot in said town.

Also a House and well improved Lot in this place.

The above described property will be sold low for CASH, HEMP and TOBACCO, or on giving bond with good security, a considerable credit may be had.—For further particulars enquire of Andrew F. Price, attorney in fact for (or to the subscriber.)

JOHN JORDAN Jun. Lexington Kentucky, } January 13, 1805. }

18 WANTED,

A SOBER, industrious man, who is capable of driving a stage with four horses, to be employed in

Driving the Mail Stage

from Limestone to Frankfort, once a week, to commence on the first of May next.—Application to be made to N. Willis, at Chillicothe, or Joshua Wilson, in Lexington.

October 1, 1805.

Be Faithful to your Friend, and Equitable to all Men.

THE subscriber begs leave to inform the public in general, that he deems it a duty incumbent on him, to inform them that he cannot make as good bricks as he has hitherto done, for the common price that bricks sell for at this time; but that he will make as common bricks as have been made of late years for a reasonable price, not doubting but that there are some who would deem it a crime to discourage a good workman.

JOHN BOBB. Lexington, Dec. 24, 1805.

NOTICE.—All those indebted to the estate of Gabriel Madison, dec. for property sold them in July 1804, and for debts contracted prior to the death of the said deceased, are informed, that their notes and accounts are in the hands of the subscriber, of this place. They are therefore requested to make immediate payment, as the situation of the estate will not admit of longer delay.

John L. Martin, Ex'r

to the estate of G. Madison dec. Lexington, Dec. 4th, 1805.

Pittsburgh Warehouse.

THE subscriber respectfully informs his friends and the public in general, that he has erected a large and commodious

WAREHOUSE,

On the bank of the Monongahela River, at the mouth of Wood Street, near to Mr. William Morrow's Tavern, which is now ready for the reception of any GOODS that may be directed to him. He flatters himself from the knowledge he has of this business, the convenient situation of the House, and the moderate prices he intends charging for Storage, to meet the patronage of a generous public. Any Goods directed to, & stored with him, will be safely delivered to the boat by which they may ascend or descend the different rivers, and care will also be taken, (wherein he may be requested to forward Goods), to send them by experienced and honest boatmen. He will also attend to the

Commission Business,

Which Kentucky Merchants, or other persons may have done on very moderate terms.

He returns his sincere thanks to his friends and customers for their past favours, and informs them as well as the public, that he has on hand, and will continue to keep,

A Handsome Assortment of

DORSEY'S IRON,

Which he is determined to sell at the lowest terms for Cash or approved Notes. He expects shortly

A Handsome Assortment of

PROBST'S CASTINGS.

Thomas Cromwell.

Pittsburgh, Oct. 15, 1805.

LAST NOTICE.

ALL those indebted to the late firms of Seitz & Lauman, John A. Seitz, Seitz & Johnson, John A. Seitz & Co. John Jordan jun. John Jordan junior & Co. and John & William Jordan, are requested to come forward immediately and pay off their respective accounts to CURTIS FIELD, who is hereby duly authorized to receive the same. Those who do not avail themselves of this notice, may rest assured, that indulgence will not be given beyond the first of March, when suits will be indiscriminately instituted.

J. Jordan jr. N. B.—TOBACCO, HEMP, and HOGS' LARD, will be received at the market price, in payment.

J. J. Lexington, January 28, 1805. tf

STATE OF KENTUCKY, FAYETTE

CIRCUIT act.

SEPTEMBER TERM, 1805.

George Yancey and Milly his wife, Henry W. Nall, Charles L. Nall, Lewis Nall and Jane his wife, Milly Graves, and Sally Graves, infant children and heirs of Ann Graves, by John Graves their next friend, and Polly Nall, Fanny Nall, Winney Nall, and Gabriel Nall, infants under the age of 21, by Henry W. Nall their next friends, heirs at law of William Nall deceased, and Martin Nall, complainants,

AGAINST

James Spurr, Moses Thomas, John South, James Garrard, Elijah Polkin, Henry Inlow, Charles Friend, and David Dickey, defendants,

IN CHANCERY.

THE defendant Charles Friend having failed to enter his appearance herein agreeable to law, and the rules of this court, and it appearing to the satisfaction of the court, that he is not an inhabitant of this commonwealth.—On the motion of the complainants by their counsel, it is ordered, that the said defendant do appear here on the third day of our next March Term, and answer the complainants' bill—and that a copy of this order be inserted in some authorized paper, agreeable to law.

A Copy. Tell. p3d.

THOS. BODLEY, C.F.C.C.

STATE of KENTUCKY act.

Mason Circuit Court, December Term, 1805.

David Davis, complainant,

Against

Thomas Marshall, and Basil Duke, Thomas Morton, George Morton, John Morton, Lucy Morton, Nancy Morton, Mary Morton, and Francis Morton, heirs of Robert B. Morton deceased, defendants.

IN CHANCERY.

IT appearing to the satisfaction of the court, that Thomas Morton is not an inhabitant of this commonwealth, and he not having entered his appearance agreeable to law and the rules of this court, on the motion of the complainant by his counsel, it is ordered that the said defendant do appear here on the third day of our next May term, and answer the complainant's bill, or that the same will be taken as confessed, and that a copy of this order be forthwith inserted in some authorized paper of Kentucky for eight weeks successively.

A copy. Tell.

Francis Taylor, clk.

TAKEN up by George Fry, living on the Kentucky river, near the mouth of Marble Creek, a

Dark Bay Horse,

with a star in his forehead, hind before, appears to be four years old, near fifteen hands high, appraised to £ 15, before me:

JOHN BARRY. J. P.

Kentucky Gazette---Extra.

THURSDAY, JANUARY 30, 1806.

VINDICATION OF RUFUS EASTON.

FOR the method General James Wilkinson takes to ruin the reputation of gentlemen, see the affidavits of David Fine and wife, and the proceedings of the Governor's grand jury, and court of Inquisition, lately published in the Frankfort Palladium; or as the General says, the manner in which he "either trips up his opponents, or destroys them before they are aware of it."

James Rankin's Affidavit.

Louisiana District, ss.
James Rankin esq. Sheriff of the district of St. Louis, being duly sworn, maketh oath and faith, that some time before the sitting of the court of general quarter sessions of the peace, for the district of St. Louis, he was in company with John Mullanphy esq. one of the justices of the said court, and of the common pleas; when said Mullanphy blamed said Rankin very much, for summoning too many of the grand jurors from the country, and advised and stated said Rankin ought to take them all from the town of St. Louis, and dismiss those in the country; that if he did not, the court would dismiss them; after which, said Mullanphy said, that Rufus Easton esq. would be, and must be crushed, as said Easton had taken law-suits at St. Louis, to the disturbance and disturbance of the people; and that a jury ought to be selected, that would prevent Mr. Easton, so that he might go away, and not be allowed to live at St. Louis; that a gentleman had written on a letter to Governor Harrison, that said Easton would be deprived of his office as attorney general, and not be suffered to hold it. That said deponent has at other times heard said Mullanphy say, that said Easton took a part on a committee at St. Genevieve, against the best interest of this country.

That this deponent did say to David Delanay esq. another justice, as said Delanay swore, at the general court in May last, that at a certain time, near the corner of a house in St. Louis, that the deponent, was then on his way to summon the jury to present Mr. Easton, in which said Delanay acquiesced; but this deponent further makes oath, that he had at that time, issued his tickets for the jurors in the country, and did not intend or did he change anyone of them; but made use of the above expression, to satisfy those concerned.

J. Rankin.

St. Louis, 13th May, 1805.
Sworn this 13th day of May, in the year 1805, before me,

Henry Vanderburgh.

Testimonial of Respect.

We the grand jurors, summoned and sworn to enquire on behalf of the United States, for the body of the district of Louisiana, at the general court, holden in and for the said district, on the seventh day of May, in the year of our Lord one thousand eight hundred and five, do represent it as our opinion, that Rufus Easton esq. attorney general of the said district of Louisiana, has discharged the duties of his office, with honor to himself, and to the satisfaction of the people in general; for which we return him our most cordial and hearty thanks, and having heard of his appointment as one of the judges of the territory of Louisiana, do congratulate him on this token of confidence and respect from the executive of the United States, believing it satisfactory to a majority of the inhabitants, praying that the senate of the United States may approve of, and confirm his appointment; and have presented this as a testimonial of approbation of his conduct, by these our fellow citizens.

(Signed)

Benj. Johnson,
the Foreman, and others,
to 13 in number.

Territory of Louisiana, ss.
District of St. Louis, ss.

Edward Hempstead of the town of St. Louis, in the district aforesaid, being duly sworn on his oath, deposes and faith, that at the time when Josiah M'Clanahan esq. Sheriff of the said district of St. Louis, took the venire from the office of the clerk of the general court, requiring him to summon a grand jury for the October term of the general court, he asked of me a small piece of paper, to write the names of some grand jurors upon, which I gave him, the

names he wrote on that piece of paper: it is one of Mr. Zeno's. The deponent then asked the judge what he gave for it; to which he replied, that was immaterial. The deponent then parted from the judge, who proceeded toward the deponent's dwelling, to which the deponent returned in the evening, where he found the judge. When the deponent entered his house, he saw some written papers laying on a table; the judge then spoke to deponent and informed him, that he had drawn two writings, one to be signed by the deponent, and the other by himself; and that he expected they would settle their difficulty about the land, without any further trouble; after which, the judge read the said writing and in the way in which he read that which was afterwards delivered to the deponent, by him the judge, engaged to secure to the deponent, four hundred acres of land, besides his improvements clear of all expenses; after hearing them read the deponent stood silent, being unwilling to sign and the judge laying the writings upon the table, said to deponent, you may sign or not as you please; but if you do not sign it, the law must decide it, and Mr. Richardson observed to deponent, there was no danger in his signing.

E. Hempstead.
Sworn this 11th day of November 1805, before me,

Rufus Easton.

Territory of Louisiana, ss.

Richard Caulk, of the district of St. Louis, in the territory aforesaid, esq. being duly sworn, on his oath faith, that when Josiah M'Clanahan esq. Sheriff of the district of St. Louis, came to summon this deponent on the grand jury--the said Sheriff observed, that he was ordered to summon every judge and justice of the peace in the district of St. Louis, on the said jury; the said deponent then asked the said Sheriff, who ordered him to do it; to which the said Sheriff replied, that it was the Governor. This transaction happened some five, six or seven weeks past, and further, this deponent faith not.

Richard Caulk.

St. Louis, November 4th, 1805.
Sworn to and subscribed, before me, the day and year aforesaid.

John B. C. Lucas.

Extract from a letter from Samuel Hammond Jun. Esquire, dated Old Mines, 18th November, 1805.

On my way to this place, I stayed a night at the house of Mr. David Fine, in company with Captain Johnson, when in the presence of us both, a conversation took place, relative to a dispute in Land, between him and family and yourself; as also relative to certificates, which had been given the Governor, charging you with fraud &c. &c. therein. In course of that conversation, it was mentioned, that "the Governor had sent for Fine and his wife--that Fine was not at home, and consequently that Mrs. Fine waited on his Excellency herself--that the Governor was a mighty clever man; asked her to eat with him &c. &c. promised to give them a large tract of Land; a thousand and forty acres!!! and find a surveyor, and have it run at his expense; and that it should cost them nothing. The foregoing is the principal part of their conversation; to which it was added, that she, (Mrs. Fine,) was requested then, to give a certificate against you, and that she had done it."

Samuel Hammond Jun.
R. EASTON Esq.

The portion of the following affidavit of David Fine in Italics, is challenged, and proven to be false.

Territory of Louisiana, ss.
District of St. Louis, ss.

David Fine of the district aforesaid, residing on the waters of the Merimack, being duly sworn, deposes and faith, that he came to the territory of Louisiana in the year 1802, and that in the month of January 1803, he was shown the place on which he now lives, by John Baroli, and that the deponent made a settlement on the said land by permission of the then Spanish commandant in the following month, where he has ever since resided; and that no settlement had been made previously on the said land, by any other person, and he further faith, that in the month of May last, as he, the deponent was riding out from his house with his wife, he met Judge Rufus Easton, about one mile from his, the deponent's house, accompanied by a stranger, whom he afterwards learnt was one Richardson; that he, the judge, accosted the deponent and said, he was hungry and expected to get his dinner with him, on which, the deponent spoke to his wife, and said to her, she must return and get dinner for them, after which, the judge observed, he had a concession for the land on which he, the deponent lived, which he, the judge had purchased from one Masterfon; to which the deponent replied, "he did not think that concession was of much account;" the judge answered, "O yes, it is a good concession;

et solliciter la concession de M. le commandant General, la dite terre ne pouvant etre accorda que dans le cas qu'elle appartienne au domaine du Roy, et quelle ne porte prejudice a personne. Signed, Zenon Trudeau

Conveyance of M. Masterfon.
Know all men by these presents, that I Michael Masterfon, the within named, for and in consideration of one hundred dollars, to me in hand paid by Rufus Easton, of the town of St. Louis, the receipt whereof I do hereby confess & acknowledge, have granted, bargained (and) sold and assigned, and by these presents do grant, bargain, sell and assign unto the said Rufus Easton, his heirs and assigns forever, the within grant and concession of land, with all the right, title and claim which I now have or hereafter may claim to land in Louisiana, in consequence of having been an actual settler in the country at and before the said concession was granted me, to have and to hold the said premises with the appurtenances, to him the said Rufus Easton, his heirs and assigns forever. Witness my hand and seal the 5th day of March, 1805.

Signed,
Michael Masterfon, (Seal.)
Sealed and delivered in the presence of
George Bowers,
Elizabeth Bowers.
Recorded (in book No. 2, No. 14, pages 75 and 76) the year 1805, ten March.

Signed,
Ant. Soulard,
Surveyor gen. dist. Louisiana.

Copy of Michael Masterfon's affidavit.

Territory of Louisiana, ss.
District of Saint Louis, ss.

Michael Masterfon being duly sworn, maketh oath and faith, that in the month of September, in the year of our lord 1797, having been a resident in Upper Louisiana, for nearly two years, he made a settlement on the river Matteest near to a certain spring about three miles from the Merimack, that in the same month of September, while he was yet at work on the said land, he obtained a concession of four hundred acres of land from governor Zenon Trudeau, through the aid and assistance of Louis Labaume, esq. who wrote the deponent's petition, to be taken and located on the said river Matteest, and this deponent caused the same to be located at the aforesaid spring, on which said tract of land this deponent in the same year aforesaid, sowed turnips, and cut some house logs, under a firm intention to live on it; but eight canoes of Indians came up the Merimack, and forced from him a quantity of salt, the settlement being thin and scattering, this deponent felt afraid of his life, and though he was then above 21 years old, he had no family, and left the place to work out to pay a debt which this deponent then owed. The next summer after this deponent made the aforesaid settlement, he got married, and had then an intention to make the aforesaid tract of land his place of residence, but his wife being afraid of the Indians, he could not persuade her to remove to this place until about June or July, in the year 1803, when this deponent came to his land, he found one David Fine settled upon it at the aforesaid spring, and informed the said Fine that he had the concession aforesaid for the said land. Fine replied, if he had known of the concession he would not have settled there. This deponent forbade the said Fine from doing any further labor upon the land, and told him if he would leave it, he would pay him the value of his labor, to be appraised by any two men, which the said Fine refused. This deponent then proposed to said Fine to purchase his concession, which said Fine refused, or if said Fine would give him a concession of equal date with his, he would exchange and take land elsewhere, which the said Fine also refused.

His
David X Fine.
Mark.

Sworn this 14th day of October, 1805, before me, JOSEPH BROWNE, one of the justices of the peace for the said District.

Copy of Michael Masterfon's Petition, &c.

O M. Du Zenon Trudeau, Comm. Civil et Militaire, du Poste et District de St. Louis, et Lieutenant Gouverneur de la partie Ouest du Illinois.

Monsieur,
Michel Masterfon suppliant a l'honneur de vous représenter avec tout le respect qui vous est du, que tant habitant dans cette contrée depuis plus de deux ans, et ayant acquis par son travail quelque animaux, desire aujourd'hui établir une habitation; en conséquence il vous supplie de lui concéder quatre cents arpents de terre sur la rivièrre a Matteest, le suppliant n'ayant pas de voisin, vous prie de lui laisser prendre la concession de la manière la plus favorable, sans cependant nuire aux autres établissements qui pourrout se faire par la suite, le suppliant demande cette quantité de terre parce qu'il se trouvant situé dans une prairie il n'aurait pas du bois sans cela, etant obligé de la mettre a la portée a l'eau, c'est une grace que le suppliant attend de votre justice.

Signed,
Michael Masterfon.

Order of Survey.

St. Louis, le 23 Sepbre, 1797.
L'arpenteur de cette juridiction, mettra le suppliant en possession de quatre cents arpents de terre, au lieu et en la forme qu'il demande pour ayez son ar-

pentage, et solliciter la concession de M. le commandant General, la dite terre ne pouvant etre accorda que dans le cas qu'elle appartienne au domaine du Roy, et quelle ne porte prejudice a personne. Signed, Zenon Trudeau

Conveyance of M. Masterfon.
Know all men by these presents, that I Michael Masterfon, the within named, for and in consideration of one hundred dollars, to me in hand paid by Rufus Easton, of the town of St. Louis, the receipt whereof I do hereby confess & acknowledge, have granted, bargained (and) sold and assigned, and by these presents do grant, bargain, sell and assign unto the said Rufus Easton, his heirs and assigns forever, the within grant and concession of land, with all the right, title and claim which I now have or hereafter may claim to land in Louisiana, in consequence of having been an actual settler in the country at and before the said concession was granted me, to have and to hold the said premises with the appurtenances, to him the said Rufus Easton, his heirs and assigns forever. Witness my hand and seal the 5th day of March, 1805.

Signed,
Michael Masterfon, (Seal.)
Sealed and delivered in the presence of
George Bowers,
Elizabeth Bowers.
Recorded (in book No. 2, No. 14, pages 75 and 76) the year 1805, ten March.

Signed,
Ant. Soulard,
Surveyor gen. dist. Louisiana.

Copy of Michael Masterfon's affidavit.

Territory of Louisiana, ss.
District of Saint Louis, ss.

Michael Masterfon being duly sworn, maketh oath and faith, that in the month of September, in the year of our lord 1797, having been a resident in Upper Louisiana, for nearly two years, he made a settlement on the river Matteest near to a certain spring about three miles from the Merimack, that in the same month of September, while he was yet at work on the said land, he obtained a concession of four hundred acres of land from governor Zenon Trudeau, through the aid and assistance of Louis Labaume, esq. who wrote the deponent's petition, to be taken and located on the said river Matteest, and this deponent caused the same to be located at the aforesaid spring, on which said tract of land this deponent in the same year aforesaid, sowed turnips, and cut some house logs, under a firm intention to live on it; but eight canoes of Indians came up the Merimack, and forced from him a quantity of salt, the settlement being thin and scattering, this deponent felt afraid of his life, and though he was then above 21 years old, he had no family, and left the place to work out to pay a debt which this deponent then owed. The next summer after this deponent made the aforesaid settlement, he got married, and had then an intention to make the aforesaid tract of land his place of residence, but his wife being afraid of the Indians, he could not persuade her to remove to this place until about June or July, in the year 1803, when this deponent came to his land, he found one David Fine settled upon it at the aforesaid spring, and informed the said Fine that he had the concession aforesaid for the said land. Fine replied, if he had known of the concession he would not have settled there. This deponent forbade the said Fine from doing any further labor upon the land, and told him if he would leave it, he would pay him the value of his labor, to be appraised by any two men, which the said Fine refused. This deponent then proposed to said Fine to purchase his concession, which said Fine refused, or if said Fine would give him a concession of equal date with his, he would exchange and take land elsewhere, which the said Fine also refused.

Signed,
Michael Masterfon.

Sworn before me the 29th day of October, 1805.

John B. C. Lucas.

Copy of John Janes's affidavit.

Territory of Louisiana, ss.
District of St. Louis, ss.

John Janes of the district of St. Genevieve, being duly sworn, maketh oath and faith, that he settled in Upper Louisiana in the year 1795, and Michael Masterfon came to live with him at the same time; being a taylor, he lived with this deponent at times for about 18 months. That in the fall of the year 1797, the said Masterfon procured a grant or concession so called, from Lt.

governor Zenon Trudeau, for 400 arpents of land on the river Matteest, about three miles from the place where this deponent then lived, which he shewed to him this deponent. At and before he got the concession he took an axe, and said he would go to improve his land, which this deponent believes he did do, though this deponent did not go to see what labor he had done, but frequently heard said Masterfon say that he had been to work on his place at a certain spring. That the Indians began to be troublesome, and killed old Mr. Houle and his son, and wounded another, at the time Masterfon came to move on his place: this deponent forced his house, and there was great danger. Masterfon then being a single man, said he would take his security among the thick settlements, which he did do. This deponent further faith that he the said Masterfon had been offered one hundred and fifty dollars for his place, which he refused to take, as the said Masterfon at that time told him, and which he verily believes to be true, and further that he considers and believes the said Masterfon to be a man strictly honest.

Signed,

John Janes.

Sworn and subscribed before me, one of the judges of the territory of Louisiana, St. Louis, November 29, 1805.

John B. C. Lucas.

Copy of conveyance David Fine and wife.

This deed, made by and between David Fine and Anne his wife, both of the district of St. Louis in Louisiana, of the first part, and Rufus Easton of the town of St. Louis, in said district of the second part, witnesseth, that the said party of the first part, for and in consideration of five dollars to them in hand paid, and a bond this day executed and delivered by the said Rufus Easton to the said David Fine, the receipt whereof they the said party of the first part, do hereby confess and acknowledge, have granted, bargained and sold, and by these presents do grant, bargain and sell unto the said party of the second part, his heirs and assigns forever, all the land which they may, can or shall claim or hold under the laws now made or to be made by congress, by virtue of an improvement made and actual cultivation on and before the 20th day of December, in the year of our lord 1803, of a tract of land situate in the aforesaid district, on the branch of a creek called Mattist, and is the same tract of land and improvement right on which the said party of the first part now live and have resided for about three years past, except the houses and buildings of the said party of the first part, and 400 acres of land adjoining the same, and including all the improved lands of the said party of the first part, which they hereby reserve and hold to themselves. To have and to hold the premises and land hereby intended to be granted and sold, with the usual allowance to the wife and family of each settler, excepting the house, buildings, and four hundred acres of land adjoining the same, and including all the improvements as aforesaid unto him the said party of the second part, his heirs and assigns, and to his and their only proper life and benefit forever.

In witness whereof, the parties aforesaid have hereunto set their respective hands and seals interchangably, this 6th day of May, in the year of our Lord 1805.

Signed,

David Fine, (Seal.)

her

Anne X Fine, (Seal.)

mark.

Rufus Easton, (Seal.)

Signed, sealed and delivered in the presence of these witnesses,

Edward Richardson.

Jesse Cain, his mark . . .

—

Saint Louis, ss.

Be it remembered, that on the 13th day of May, in the year of our Lord 1805, before me Henry Vanderburgh, one of the judges in and over the Indiana territory and of the district of Louisiana, came personally Edward Richardson, esq. who being duly sworn, testifies and says, that he saw the above named David Fine & Anne his wife, sign, seal and deliver the above deed of conveyance as their voluntary act, for the purposes therein contained, and that Jesse Cain made his mark and signature as one of the subscribers.

ing witness in presence of him and the parties.

Henry Vander Burgh.

Copy of the deposition of Anne Fine.

Territory of Louisiana, ss.
District of St. Louis, ss.
October 12, 1805.

This day personally appeared before me Joseph Brown, one of the justices of the peace of the said district, Anne Fine, the wife of David Fine, a citizen of the said district, and being of her free will and accord duly sworn on the holy evangelist of Almighty God, depose & faith, that on a Sunday in the month of May last, being on a ride to visit a neighbour, she met on the road about one mile from her own house, judge Rufus Easton, in company with a Mr. Richardson; that Mr. Easton accosted the deponent's husband, who was in company with her, and said that he intended to go to his house and get some dinner, whereupon the deponent's husband requested her to go back to the house and provide Mr. Easton something to eat, in consequence of which she returned to her house and gave them dinner. After dinner was over, judge Easton asked the deponent if she had any paper in the house, the deponent then gave him some; he then sat down and wrote something thereon, when he had done he said he had purchased a concession from one Michael Masterfon, for the land then occupied by Mr. Fine; the deponent then informed him she did not believe such a purchase could be of any account to him, he then replied O yes madam, it is undoubtedly good, it is one of Zeno's grants, he then said he did not know that the deponent's husband lived on the land at the time he purchased it, or he should not have done it. Mr. Easton then said I have drawn an instrument in writing for you and your husband to sign, meaning the deponent and her husband, and then said there will be no difficulty or dispute about the land, or else the law would have to decide it, that the law was a troublesome thing, for his part he did not want to go to law, and probably it would cost them both more than the land was worth. Her husband being now returned, he read the instrument he had written to the deponent and her husband, whereupon her husband said it was better to sign it than go to law. The instrument in writing being again read by Mr. Richardson, it was agreed by the deponent and her husband to sign the same after some hesitation, and the following covenant or agreement being signed and tendered to the husband of the deponent, and which is in the following words, to wit:

"Whereas, David Fine and Ann his wife, have this day given me a deed of all the lands which they can claim by virtue of the improvement made on the land where they now live, except 400 acres of land including all their improvements and houses and buildings, and to adjoin the same, in consideration whereof I do hereby covenant, grant and agree with the said David Fine, to secure and indemnify him against a grant and concession given by Zenon Trudeau, late lieutenant governor of Upper Louisiana to Michael Masterfon for the same tract of land on which the said David Fine now lives, which said concession I have purchased, and furthermore I do enure to the said David Fine, that he shall always hold and enjoy his house, improvements, and 400 acres of land adjoining the same, free from the said concession, or any person holding or claiming the same, from, by or under the said Michael Masterfon or myself, or any other claiming from or under me. In testimony whereof I have hereunto set my hand and seal, this 6th day of May, in the year of our lord 1805.

Signed,

"Rufus Easton, (L. S.)
Sealed & delivered in presence of
"Ed. Richardson.
"Jesse Cain."

And the deponent further faith, that some time in the month of September last, judge Rufus Easton came to the deponent's house with a surveyor, and said he was then come to survey the land, that then taking with them certain surveying instruments, they went round the land, and on the next morning judge Easton informed the deponent they had completed the survey, and further faith not.

Signed,

her
Anne X Fine.
mark.

Sworn the day and year above written,

Joseph Brown.

Copy of the affidavit of Wm. Russell.

Louisiana Territory, ss.

William Russell of the district of St. Louis, in the territory aforesaid, surveyor, being duly sworn, maketh oath and faith, that on or about the 3d day of September, 1805, having then permission from major James Mackay, one of the deputy surveyors of this territory, to survey any concession for land coming within the law of congress, he informed Rufus Easton that he was then going to survey on the Merrimack, and if Mr. Easton had any land he wished surveyed, this deponent would do it for him. Mr. Easton informed this deponent he had become interested in two small tracts which he wished surveyed, that plats might be laid in the recorder's office. Accordingly Mr. Easton and this deponent started for the place where David Fine now lives, and found said Fine making hay about 1-2 mile from his house. When Mr. Easton mentioned to said Fine that this deponent was going to survey, and perhaps they would not have a better opportunity to survey their tract—accordingly Fine proceeded down to his house with this deponent and Mr. Easton, and after making the necessary preparation, all went out together to commence the survey on Fine's part, which this deponent understood from Fine himself, as well as Mr. Easton, was to be 400 acres, and to be so run as to include the house and all the improved land, & the calculation was accordingly made, and so completed, to survey Fine's part according to his own directions. The survey was in the same manner and form as this deponent had always before been accustomed to survey in this country. The chain bearers were not sworn, but at the commencement of the survey, Fine carried the hind end of the chain, and this deponent the fore end, and continued on in that manner about 300 poles, when Fine's boy took the place of this deponent, and the chain was borne by Fine, his boy, and myself all the distance around the tract, except a small distance on the last line, Mr. Easton helped Fine to carry it on Fine's own part, to relieve the boy who was fatigued and who got on to the horse of Mr. Easton. Fine made his own calculation to include his improvements as to the form of survey should be made, and during a part of two days in which the survey was doing, Fine or his wife, nor did either of them suggest an idea that they were to have any greater quantity of land than 400 acres, to include the improvements, and it was repeatedly mentioned by the parties; and the survey was accordingly so made, agreeably to the wishes of the parties, with which Fine appeared to be well satisfied.

And furthermore the intention of the survey was to contain one mile square, or 640 acres, with the usual allowance to the wife and family of a settler.

Signed,

Wm. Russell.

Sworn before me the 4th of November, 1805,

John B. C. Lucas

Copy of the affidavit of capt. Nathan Bush.

Territory of Louisiana, ss.
District of St. Louis, ss.

Nathan Bush, late of Augusta in Georgia, being sworn according to law, depose and faith, that some time in September last, at the time of the sitting of the court of quarter sessions of the peace, he in a conversation with David Fine, told the said Fine that he had made a bad bargain in giving part of his land, to secure the other part, when the said Fine replied that this deponent was unacquainted with the circumstances respecting the right he had to said land; that he the said Fine told him that he thought he had made a good bargain, as he had no concession for the land, and there was a claim and a concession to the very land he lived on of a prior date to the improvement he held it under, and that he thought it was better to secure the one half by giving the other, than run the risk of losing the whole, which he was doubtful he should do, and that the said Fine told this deponent that he was well pleased with his bargain. That some time after, [the time he the deponent don't recollect] the said Fine told this deponent that he could not write, but this deponent knows to the contrary, as he has seen a note given by said Fine, signed in his own proper hand and signature, and that he verily believes he was told to say he could not write, by some person or persons for their own private views. And further this deponent faith that he the said Fine told him he had been sent for by the present governor James Wilkinson, and that the governor had told him, that he, Fine, should get all the land, in consequence of the oath he took before some magistrate respect-

ing the same, and further this deponent faith not.

Signed,

NATHAN BUSH.

Sworn the 19th day of November, 1805, before me,

JOHN B. C. LUCAS.

John Campbell's Certificate.

I John Campbell, of the town of St. Louis, Merchant, do certify, that I have seen David Fine of the District of St. Louis, write, and have now in my possession his hand writing, which is a legible hand—and further I do certify, that being acquainted with the circumstances of the said Fine, I do not consider him a poor man, and that he informed me as late as September last, that he had made a good bargain relative to his land, with Rufus Easton Esq. with which he, the said Fine, was well satisfied. Dated the 23d day of November, 1805.

John Campbell.

Jeduthun Kendall's Certificate.

I Jeduthun Kendall, of the District of St. Louis do certify, that some time in the month of May last past, I was at the house of David Fine, a settler on the river Mattheil; and in conversation with the said Fine he told this deponent, that Rufus Easton Esq. had purchased a concession for the land on which he lived, and that to avoid controversy at law, he had compromised with Mr. Easton on terms, that he was to have four hundred acres, including his house &c. he allowing to Mr. Easton, whatever quantity should be recovered under the improvement right, over and above the said four hundred acres—and I further certify, that the said Fine shewed me the bond which Mr. Easton had given him, and I read it over to him twice, and he said he was well satisfied with the compromise, and that he was better to settle than to have further altercation or dispute. Dated at St. Louis, this 30th of October 1805.

Jeduthun Kendall.

Jesse Cain's Deposition.

INDIANA TERRITORY,
County of St. Clair, ss.

I Jesse Cain, of the Territory and county aforesaid, being duly sworn depose and say, that some time about the first of May last, I was at the house of David Fine, of the District of St. Louis, when a contract was made between Rufus Easton Esq. and the said Fine, relative to the tract of land on which Fine then lived, upon which it was mutually agreed between them, that Fine should keep four hundred acres of land to include his improvements, and make a deed to Mr. Easton for the overplus that might be gained under an improvement right, and Mr. Easton was to give Fine a bond to indemnify him against a concession given to Michael Masterfon for the same tract of land, by Lieut. Governor Zenon Trudeau, calling for four hundred French acres—that the writings were drawn up and read over by Mr. Easton, and afterwards again read by Mr. Richardson, who was a witness with me, and fully explained to Fine and wife, who appeared to be well satisfied with them and signed them freely; Fine wrote his own name, and Mr. Richardson wrote the name of Mrs. Fine, who put her own mark to the writings. And this deponent faith, that Mr. Easton did not threaten Fine with the law, but he and Fine both stated, that it would be better to settle on those terms than to dispute about the land. This deponent believed and at the time remarked, that Mr. Easton had been very liberal and generous with Mr. Fine. This deponent is confident that Fine was to have only four hundred acres to include the house & improvements, and he said at the time that it would be enough for him. And further the deponent faith not.

Sworn the 3d day of December, 1805, before me.

N. Jarrot.

Indiana Territory, Randolph County, ss.

Before the subscriber, one of the judges of the court of common pleas, in and for the said county, personally appeared Edward Richardson, who being duly sworn, depose and faith, that some time before the general court at St. Louis, last spring, he set out on a journey into the country, in company with Mr. Rufus Easton of St. Louis; that as they were returning towards St. Louis, they met Mrs. Fine, who on being told by Mr. Easton, that he and this deponent intended to call at her house; got something to eat, and stay with them all night, returned with them to her house, when Mr. Easton observed to Mr. Fine, that he had purchased a concession for the land he the said Fine lived on, and said he was sorry their claims interfered; and that after some conversation between said Fine and Easton, relative to the extent of the improvement, made by the person to whom the land was ceded—the said Easton made the following proposition: that he would relinquish to said Fine four hundred acres, to be laid off, so as to include his improvement, and to extend for quantity toward either end of said tract, at the option of the said Fine; provided he the said Fine would relinquish the residue of what might be obtained by virtue of the improvement; to which proposition the said Fine agreed without hesitation, and appeared perfectly satisfied. That some time after this agreement, the said Easton commenced drawing the writings, and after they were completed, the said Easton read the writings correctly to the said Fine and wife, who signed them in this deponent's presence, without any reluctance; and this deponent subscribed his name as a witness to the execution thereof. The instruments in writing so drawn up by said Easton, were also correctly read to the said Fine and wife, by this deponent; and that it appeared to him impossible, that they could be mistaken.

This deponent further states, that the said Easton's conduct and language to-

ward the said Fine and wife, was mild and gentlemanly; and that the said Easton never through the whole conversation, threatened the said Fine with the law or law-suits: and that after the writings were executed, the said Fine expressed himself to this deponent fully satisfied, and said he never expected to hold more than four hundred acres; and that the said Easton informed said Fine, that his improvement would entitle him to six hundred and forty acres, and the usual quantity formerly allowed by the Spanish government, to the wife and family, which Mr. Easton observed would amount to eight hundred acres, and perhaps more; but that it was well understood, that Fine should have only four hundred acres, out of what might be obtained in virtue of the improvement.

Ed. Richardson.

Sworn and subscribed before me, the 20th December, 1805.

John Grosvenor.

Opinion of the Bar.

At a meeting of the members of the bar, practicing in the district of St. Louis, at the town of St. Louis, on the 30th day of December, in the year of our Lord one thousand eight hundred and five.

We, the undersigned attorneys and counsellors at law, residing in the town of St. Louis, having carefully and attentively read and considered the documents herein mentioned—to wit, David Fine's deposition, taken before Joseph Browne esq. October 14th, 1805; Michael Masterfon's concession, dated and signed by Zenon Trudeau, September 23, 1797, and the deed of conveyance thereon, from Michael Masterfon to Rufus Easton esq. dated March 5th, 1805; the deposition of Michael Masterfon taken before the honorable John B. C. Lucas, October 29th, 1805; the deposition of John James taken before the honorable John B. C. Lucas, November 29th, 1805; the conveyance of David Fine and wife to Rufus Easton, dated May 6th, 1805, witnessed by Edward Richardson and Jesse Cain. The proof of the same deed on the 13th day of May, 1805, before the honorable Henry Vander Burgh esq. the deposition of Anne Fine taken before Joseph Browne esq. October 12th, 1805; the deposition of William Russell, taken before the honorable John B. C. Lucas esq. November 4th, 1805; the deposition of captain Nathan Bush, taken by the honorable John B. C. Lucas esq. November 19th, 1805; the certificate of John Campbell, dated the 23d day of November, A. D. 1805; the deposition of Jesse Cain, taken by Nicholas Jarrot esq. December 3d, 1805, and also the indictment found by the grand jury, at the December term of the court of quarter sessions, of the peace for St. Louis district, A. D. 1805, against Rufus Easton esq. are unanimously of opinion,

That the conduct of the said Rufus Easton esq. in the said transaction, has not been in the most distant degree fraudulent or malefic; and that the deed of the said David Fine to him, is neither voidable or void, either at law or in equity; or that it can be taken notice of on indictment: inasmuch as on the compromise between Mr. Easton and Fine, there was a supposition of right in both parties, and even had it been of a doubtful right, still it was contemplated by the parties and the deed, both at law and in equity, is binding—so on the contrary, if after the execution of the bond to Mr. Easton to indemnify Fine against the concession of Masterfon, there should be full proof of a complete title in Mr. Easton, in consequence of the conveyance from Masterfon; yet, as the right of Fine's, as well as that of Mr. Easton, was contemplated in the settlement—the bond would not be set aside, it is valid—After a careful examination of the documents before named, we can discover no badges of fraud attending this transaction, unless we discredit the testimony of all the other witnesses, who are disinterested, and give full credit to the affidavits of David Fine and wife, who have a material interest in the question.

In order to establish fraud upon another, the law makes it necessary, that there should be either misrepresentations, impositions, concealment of material facts, or taking an undue advantage of the other. None of these requisites to constitute a fraud, appear in the present case: Fine had been in Louisiana for several years, and could not be ignorant of Masterfon's concession, and the other circumstances relative to Masterfon's improving the land. He knew the precarious state of his title long before Mr. Easton came to this country.

Under these circumstances, it appears that the bargain was fairly and bona fide entered into; the writings perfectly understood, and signed voluntarily; and Fine was fully satisfied. If therefore, the deed of Fine to Mr. Easton is valid in law, it follows of course, that the indictment cannot be supported; and indeed this is the first case within our recollection, in which an indictment has been found on a deed supposed to be fraudulent, before that deed was previously declared void at law, or in equity.

Another reason in our opinion, why the indictment cannot be supported, is, that Fine has no certainty of holding

an acre of land in Louisiana; whereas the indictment is founded altogether on the supposition, that he had been defrauded out of a considerable tract. If then the result should prove to be, that Fine cannot hold the land to which the indictment supposes he has a full right; or if the concession of Masterfon should be confirmed, in preference to the claim of Fine, by improvement, on what ground is this indictment to be supported? We know of no instance, in which an individual can be legally indicted for fraud and deceit, unless the party all-died to have been defrauded, had a full and complete title to the property; and unless there was either a suppression of truth, or a suggestion of falsehood in the transaction; which we are fully convinced, Mr. Easton was not guilty of in the present case.

On the whole, we are decidedly of opinion, that the contract with Fine on the part of Mr. Easton, was in every respect fair and honorable.

(Signed,)

Henry Hight,
E. Hempstead,
Will. C. Carr,
J. Darnelle.

I Robert Robinson, counsellor and attorney at law, residing in Kaskaskia, have seen and read the principal papers within referred to, and also the deposition of Edward Richardson esq. and do in opinion, perfectly agree with the gentlemen who have hereunto subscribed their names.

Roberts Robinson.

ABRAHAM S. DRAKE,
TAYLOR.

TAKES this method to inform the citizens of Lexington, and the public in general, that he has commenced business in the shop lately occupied by Mr. Holmes, Taylor, or Main Street, nearly opposite Benjamin Stout, saddler, where he intends carrying on the above business in all its various branches, and hopes from his knowledge of the business, with the strictest attention, and desire to please, to meet a share of public patronage.

Ladies and Gentlemen who will please to favor him with their custom, may depend on having their work done on the shortest notice, and in the most fashionable manner, and with neatness and dispatch.

One or two boys are wanted to the above business.

Such country produce and store goods as may suit, will be taken. St

7th Nov. 1805.

TAKEN up by Aaron Prather, living in Fayette county, on the waters of Hickman creek, a

A WHITE MARE,
and black sucking
HORSE COLT;

One hind foot white—the mare about 14 hands high, supposed 15 or 14 years old, branded on the near shoulder and buttock M, with a three or four shilling bell on; appraised at 26 dollars four shillings—Also, a BAY HORSE COLT,

two years old, star and snip, off hind foot white, branded on the near shoulder S:1, and on the near buttock 1:5; appraised to 51. 10s.—Also, a BAY HORSE,

three years old, with a number of white spots on his body and shoulders, branded on the near shoulder S:1, and on the near buttock 1:5; appraised to 12 dollars.—Also, one SORREL HORSE,

three years old, a flax mane and tail, a small white spot in his forehead, about fourteen hands one inch high, no brand to be discovered, appraised to 30 dollars, done before

Robt. Frier, J.P.F.C.

STATE OF KENTUCKY,
Knox Circuit Court, October Term, 1805.
William Hogan, complainant,

Against
Thomas Barbour, & Richard Barbour, admors of James Barbour deceased, John Harriott and Sally his wife, David Walker and Mary his wife, John Moore and Frances his wife, Lucy Barbour, Mordecai Barbour, Gabriel Barbour, Philip Barbour, Richard and Thomas Barbour, heirs and devisees of James Barbour dec. John Barbee, and John Ballenger, defendants.

IN CHANCERY.

IT appearing to the satisfaction of the court, and on proof being made to them that John Moore and Frances his wife, Mordecai Barbour and Gabriel Barbour are not inhabitants of this commonwealth, and on the motion of the complainant by his counsel, it is ordered, that the said absent defendants do appear here on the third day of our next April term and answer the complainant's bill, or on failure thereof, the same shall be taken as confessed against them, and this order be inserted in the Kentucky Gazette according to the act of assembly in such case made and provided,

A copy. Telle.

*456 Richard Ballinger c.k.c.c.

THE FOLLOWING BLANKS MAY BE HAD AT THIS OFFICE.

Manifests,
Bills of Lading,
Deeds,
Subpoenas,
Executions,
Bonds,
Notes, &c. &c. &c.